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Progress Report

on Foster Home Overcrowding in Saskatchewan

Marvin Bernstein
Children's Advocate, Province of Saskatchewan

November 2009

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Mandate

The Children's Advocate is an independent officer of the Legislative Assembly of Saskatchewan and acts pursuant to *The Ombudsman and Children's Advocate Act*. The Children's Advocate has the legislated responsibilities, among other things, to:

- Become involved in public education respecting the interests and well-being of children.
- Receive, review and investigate any matter concerning a child or group of children, or services to a child or group of children, by any government ministry or agency.
- Resolve these matters, where appropriate, through non-adversarial approaches and/or to make recommendations on such matters.

The Children's Advocate may also conduct research, or advise any minister responsible, on any matter relating to the interests and well-being of children.

Vision

The Children's Advocate's vision is that the interests and well-being of children and youth are respected and valued in our communities and in government practice, policy and legislation.

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SASKATCHEWAN

Letter of Transmittal

November 12, 2009

The Honourable Don Toth
Speaker of the Legislative Assembly
Legislative Building
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Dear Mr. Speaker:

In accordance with Section 30.1(3) of *The Ombudsman and Children's Advocate Act*, I have the honour of submitting to you and to the Members of the Legislative Assembly, the Children's Advocate report:

Progress Report on Foster Home Overcrowding in Saskatchewan

Respectfully submitted,

Marvin M. Bernstein

Marvin M. Bernstein, B.A., J.D., LL.M. (ADR)
Children's Advocate
Province of Saskatchewan

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1 Executive Summary

1.1 About this Progress Report

In February 2009, the Children's Advocate Office tabled the report, *A Breach of Trust: An Investigation Into Foster Home Overcrowding in the Saskatoon Service Area*, in the Saskatchewan Legislature. This report contained 45 recommendations made to the Ministry of Social Services regarding the overcrowding in Saskatchewan foster homes and the underlying causes in the broader child welfare system.

The first recommendation (09-14114) made in this report was for the Ministry of Social Services to report on a biannual basis (every June 30th and December 31st) its progress, including results of quality improvement and accountability measures undertaken by the Ministry, regarding each and every recommendation contained in the report, so as to facilitate public reporting by the Children's Advocate Office.

The Ministry of Social Services accepted this recommendation and has provided the Children's Advocate Office with updated statistics and information on its response to all 45 recommendations. This official Ministry response, as well as follow-up interviews with six foster parents, 15 children and youth in care, and representatives from the Saskatchewan Foster Families Association, the Saskatchewan Association of Social Workers, the University of Regina School of Social Work and the Federation of Saskatchewan Indian Nations, informs the reporting and commentary in this update on foster home overcrowding in Saskatchewan.

Of the other 44 recommendations made to the Ministry of Social Services in *A Breach of Trust*, the Ministry has: accepted 16; partially accepted two; not accepted nine; and deferred 17 until such time as the planned review of *The Child and Family Services Act*. The Children's Advocate Office analysis of the Ministry's responses to all 45 recommendations (see *Appendix C: Recommendation Tracking*) has led the Office to: close with adequate action taken eight; close by discontinuing three; and keep active the remaining 34.

1.2 Timing of This Report

Although the Children's Advocate Office had intended to table this report at an earlier date, this became difficult as a result of a number of intervening events. In this regard, it should be noted that for the first several months after the release of *A Breach of Trust*, there was little direct communication between senior levels of the Ministry of Social Services and the Children's Advocate Office. If a progress report had been issued at the end of June, as originally anticipated, it would have depicted a very different picture and would likely have been founded on incomplete information. This would not have been conducive to balanced, informed and objective reporting.

In more recent months, there has been improved communication between the Ministry of Social Services and the Children's Advocate Office, and more frequent meetings and discussions about the steps taken by the Ministry of Social Services to implement the recommendations set out in *A Breach of Trust*. This dialogue has led to a more informed and contextualized report, which enables the Children's Advocate Office to speak more confidently to a number of positive developments, while still identifying areas of continuing concern.

1.3 Positive Developments

The Ministry of Social Services has taken many first steps — some mis-, some tentative and some boid — since the release of the report. The positive developments that have occurred include the following:

- A statement of commitment to adopt and implement the *Children and Youth First* Principles.
- Increased support for foster parents and the Saskatchewan Foster Families Association.
- Increased efforts to recruit and retain foster homes.

- Substantial funding announcements for and development of group home and other residential resources along the continuum of care.
- Work on social work staff recruitment and retention efforts.
- Significant investment in information technology development.
- A statement of commitment to broad consultations as part of a legislative review of *The Child and Family Services Act* and *The Adoption Act*.
- Acceptance of the recommendation (09-14139) to conduct mandatory education for Ministry of Social Services staff on the rights of children and youth.
- Improved communications with youth in care and foster parents.
- Increased compliance with policy relating to physical accommodations and placement considerations.
- A small reduction in the number of children and youth placed in overcrowded foster homes.

1.4 Areas of Continuing Concern

Notwithstanding the number of positive developments that have occurred since the release of *A Breach of Trust*, there are still some core areas of continuing concern:

- As of June 30, 2009, 18.2 per cent of all active foster homes were overcrowded and 43.5 per cent of all children and youth placed in foster care lived in an overcrowded home in Saskatchewan.
- Significant overcrowding of foster homes in the three major cities of Saskatoon, Regina and Prince Albert.
- Lack of a reliable electronic information management system to provide comprehensive, accurate and timely data when requisitioned and to inform the quality assurance efforts of the Ministry of Social Services.
- Lack of comprehensive statistics and reporting on recruitment and retention of foster homes.
- Delay in conducting a comprehensive review of the cases of children and youth currently placed in overcrowded foster homes in the Saskatoon Service Centre.
- Deferral of the Children's Advocate Office's recommendation (09-14140) regarding the development of a *Children and Youth First* Vision and Action Plan.
- Partial acceptance of the Children's Advocate Office's recommendation (09-14126) calling for a mandatory single information management system for both on and off-reserve child welfare services.
- Non-acceptance of the Children's Advocate Office's recommendation (09-14127) concerning the creation of a Special Committee on Information Management.
- Non-acceptance of the Children's Advocate Office's recommendation (09-14128) concerning the creation of a Special Committee on Foster Care and Permanency Planning.
- Deferral of all of the recommendations calling for legislative reform without consideration of some legislative amendments that are so urgent that they should be fast-tracked in order to avoid the serious risk of harmful impacts for children and youth in receipt of government child welfare services.

1.5 Towards a Comprehensive Child Welfare Vision

In *A Breach of Trust*, the Children's Advocate stated that,

> The foster home overcrowding issue, then, is merely a result of a much larger problem within the entire child welfare or structure, which is itself teetering on in 'crisis mode', and in any individual child's case, may be on the verge of catastrophic collapse at any time.

> [I]n this context, the Ministry of Social Services has failed to approach the continuum of services in the child welfare system with a comprehensive analysis, as it relates to permanency and positive outcomes for children and youth. There are far too many weaknesses and gaps in the continuum that create 'winners' and 'losers', and we do not have the richness of options that would yield more collaborative and consensus-based outcomes for children.[1]

Many youth, foster parents and child protection workers voiced their willingness to be part of the solutions to the challenges facing the child welfare system. These individuals continue to be the backbone of the child welfare system as they contribute immeasurably to beneficial outcomes for the children and families of this province. The release of *A Breach of Trust* also served as a catalyst in increasing public awareness and in activating sincere engagement on the part of professionals, associations, unions, university faculties and community-based organizations.

With a new Deputy Minister of Social Services appointed in June 2009, an organizational restructuring within the Ministry of Social Services in October 2009, and the Ministry announcement of a broader child welfare review with the goal of entirely new legislation in November 2009, there is an opportunity to turn things around for the children and youth residing in overcrowded foster homes. The spirit of volunteerism and good faith extended by so many individuals, academics, professional associations and other groups provides another collaborative opportunity to utilize these offers of input and advice in a coordinated and integrated manner for the betterment of children and youth in Saskatchewan.

If we see the promotion of the well being of children and youth in care as a collective responsibility, we will be well on our way to achieving a more comprehensive child welfare vision in Saskatchewan.

1 Saskatchewan, Children's Advocate Office, *A Breach of Trust: An Investigation Into Foster Home Overcrowding in the Saskatoon Centre*, (Saskatoon: February 2009) at 5.

2 Managing the Overcrowding Crisis

2.1 The Numbers

2.1.1 Province-wide

The Ministry of Social Services reported that, as of June 30, 2009, there were 135 overcrowded foster homes[2] in Saskatchewan. In those homes, 837 children in foster care resided. Of those homes, 30 were designated as therapeutic with 164 children in foster care placed, and 105 were regular foster homes with 673 children in foster care placed. These overcrowded foster homes represented 18.2 per cent of the total 741 active foster homes and these children represented 43.5 per cent of the 1,924 placed in foster care at that time *(please see Appendix A for Ministry Statistics)*.

These province-wide statistics indicate that, between June 30, 2008, and June 30, 2009, the number of overcrowded foster homes was reduced by 13 and the number of children residing in those overcrowded foster homes was reduced by 84. Therefore, in a one-year period in Saskatchewan, there was a 9.6 per cent decrease in the number of overcrowded foster homes and a 10 per cent decrease in the number of children in foster care living in those homes.

2.1.2 By Region

Prior to a reorganization in October 2009, the Ministry of Social Services delivered services through five regional divisions: Centre Region, Northeast Region, Northwest Region, Southeast Region and Southwest Region. While Ministry statistics indicate that foster home overcrowding is occurring in all regions of the province, the issue is particularly apparent in the Centre, Northeast and Southwest Regions, which include the cities of Saskatoon, Prince Albert and Regina respectively.

In the Southwest Region, foster home overcrowding is not occurring in therapeutic homes; however, as of June 2009, there were 47 regular foster homes that were overcrowded with 305 children in foster care placed in them. In the Northeast Region, nine of the 28 overcrowded foster homes were designated as therapeutic with 33 children in foster care placed, and 19 were regular foster homes with 121 children in foster care placed.

Specific to the Centre Region,[3] the Ministry of Social Services reported that, as of June 30, 2009, there were 52 overcrowded foster homes in which 335 children in foster care resided. Of those homes, 21 were designated as therapeutic with 131 children in foster care placed, and 31 were regular foster homes with 204 children in foster care placed.

Since the release of *A Breach of Trust*, the Ministry of Social Services has developed a centralized process for reporting the number of overcrowded foster homes for all of its regions. Using this new process, the total number of overcrowded foster homes reported as of June 24, 2008, (the benchmark date of the original report statistics) was found by the Ministry to be in error. The Ministry has now issued new statistics for the end of June 2008, which indicate that the total number of overcrowded foster homes in the Saskatoon Service Centre at that time was 53 (not 34 as originally reported to the Children's Advocate

2 Ministry of Social Services policy defines the standard for the maximum number of children in a foster home as four, depending on the assessed capabilities of the foster home and the needs of the children. Foster homes may be designated as "therapeutic," in which case "the number of children placed in a home is restricted to two, and in many homes are limited to one child." Acceptable circumstances when a foster home can exceed the standard for the maximum number of four children include: the placement of sibling groups; placement of children in a home which they have lived in previously; short-term emergency placements; and provision of short-term respite. However, no more than two "acceptable circumstances" can exist for one home and permission to exceed the standard for the maximum number of children of four in a foster home requires approval of the Regional Director or designate with decision review and renewal every two weeks thereafter. Saskatchewan, Ministry of Social Services, *Children's Services Policy and Procedures Manual* (November 2001) at s. 4.47. For the purposes of statistical reporting in this progress report, the Children's Advocate Office considers a therapeutic foster home as overcrowded when the number of children placed in the home exceeds the maximum of two and a regular foster home as overcrowded when the number of children placed in the home exceeds the maximum of four.

3 The Children's Advocate Office original investigation into foster home overcrowding focused on the Saskatoon Service Centre area, which is part of the Ministry of Social Services Centre Region.

Office) and the total number of children living in those homes was 342 (not 259 as originally reported to the Children's Advocate Office).

Using these revised statistics, between June 30, 2008, and June 30, 2009, the total number of overcrowded foster homes decreased by one and the number of children residing in those homes decreased by seven. Therefore, in a one-year period in the Saskatoon Service Centre, there was a 1.9 per cent decrease in the number of overcrowded foster homes and a 2.1 per cent decrease in the number of children in foster care living in those homes.

During the Children's Advocate Office visit to six foster homes in the Centre Region in July 2009, four had experienced a reduction in the number of placements indicating an improvement in the level of overcrowding in their homes. One of these four was no longer overcrowded. Of the other two, one had experienced an increase in placements and the other had the same number of children placed in the home.

2.2 Information Management

2.2.1 Development of a New Information Management System

On October 6, 2009, the Ministry of Social Services announced that it had selected a vendor and product for its new Linkin information management system. According to a media release, "This is an important step in delivering on the three-year, $15-million investment for a single new system to replace the Ministry's patchwork of aging information systems."[4]

The successful vendor was Curam Software (Canada), which was,

> [U]nanimously identified as the preferred vendor for software and consulting services for Linkin following a thorough six-month public procurement process led by an evaluation team with more than 60 representatives from Social Services, the Information Technology Office, Government Services and other stakeholders.[5]

Further to this media release, the Ministry of Social Services reported that it has established a steering committee consisting of staff from all parts of the organization and the Information Technology Office (ITO) to provide oversight and guide the implementation of the new Linkin information management system. A project office has been established with a team of contracted staff persons, who have experience in selecting and implementing similar systems. Project office staff use industry best practice research and methodologies to manage the selection process and implementation.

In selecting the vendor, the Ministry of Social Services reported that the project team conducted a national jurisdictional survey to gather information on case management solutions in other provinces. The project team also consulted with various research organizations to identify industry best practice and trends related to human services and case management products. Ministry of Social Services front-line workers and a number of external stakeholders were engaged to ensure the end solution will effectively serve the needs of children in care, caseworkers, service delivery partners and the Ministry.

2.2.2 Creation of a Special Committee on Information Management

The Ministry of Social Services has not accepted the recommendation (09-14127) to create a Special Committee on Information Management. The Ministry indicated that this would not follow best practices for development of such a system and that the process for managing this project has started with consultations with users, including Ministry staff and First Nations child and family services agencies that operate under the delegated authority of the Ministry. The Ministry of Social Services indicates that as the project team develops and implements the new information management system, more stakeholders

4 Saskatchewan, Ministry of Social Services, Media Release, "New $15-Million Information Management System will Benefit Children and Youth in Care" (6 October 2009).

5 *Ibid.*

will be engaged to ensure that the new system will meet the needs of external stakeholders such as the Children's Advocate Office, the Provincial Auditor, the First Nations child and family services agencies and community-based organizations.

2.3 Reducing the Potential for Harm

2.3.1 Supporting Children and Youth

Case Management, Safety Planning and Meetings with Children/Youth

Two of the 45 recommendations (09-14118 and 09-14119) made in *A Breach of Trust* directly emphasized the need to review the case plan and status of every child and youth residing in an overcrowded foster home in the Saskatoon Service Centre area including, if appropriate, an interview with the child or youth. The intent of these recommendations was, in part, to protect the children and youth placed in these homes from further risk of harm by ensuring that suitable caregiver supervision, placement matching and physical accommodations relative to the assessed needs of the child or youth were being provided.

The Ministry of Social Services reported that it conducted an initial review, which was done from January to March 2009, when a dedicated staff from the Saskatoon Service Centre visited approximately 50 overcrowded foster homes to conduct safety assessments. A number of safety issues were identified as a result of these assessments and plans were developed to address these deficiencies. An examination of the checklist used during these home visits, as well as independent interviews conducted by the Children's Advocate Office with foster parents this July, indicate that the emphasis of the related home visits by Ministry staff was on fire safety, such as whether the proper smoke detectors and fire extinguishers were present.

The Ministry of Social Services also reported that, during that same time, staff from the Saskatoon Service Centre reviewed the case files of children and youth placed in overcrowded foster homes. The checklist used for this file review included questions about the health and development of the child, and case management and placement.

In August 2009, Ministry of Social Services regional staff began a second file review of children and youth placed in overcrowded foster homes in the Saskatoon Service Centre. Subsequently, the Ministry's centralized Quality Management Unit was brought in to audit these files. They determined that some additional work is required in terms of how the Ministry conducts case plan reviews to ensure that all children and youth in care have quality plans in place.

The Ministry of Social Services reported that it did not record the number of children or youth interviewed in any reviews done on overcrowded foster homes. However, all of the children and youth interviewed by the Children's Advocate Office stated that they felt safe in their foster home placement, whether it was overcrowded or not.

During the follow-up interviews conducted by the Children's Advocate Office with foster parents, three out of five foster parents reported that matching had improved since the release of the report. The other foster parent did not have comments in this regard. Five of the six foster parents interviewed believed that all of the children in their homes were appropriately matched and placed in their care.

The Ministry acknowledged a continuing need to conduct comprehensive case plan reviews on all children in foster homes that have more than four placements. The central Child and Family Services Quality Management Unit has been assigned to lead this process, which will include interviews with children, if deemed appropriate.

Communication

During the course of developing this progress report, the Children's Advocate Office interviewed 15 children ranging in age from seven to 18 years of age, with the average age of 10 years old. The interviewers asked these children and youth if they had regular contact with their Ministry caseworker and what information had been shared with them about their placement in foster care.[6]

Eleven of the 15 children and youth interviewed knew why they were in foster care. The four children and youth who did not know why they were removed from their parents' care wanted to know this information. Eight of the children and youth were aware of the anticipated length of time they would be in foster care. The seven children and youth who were not aware of how long they were going to remain in foster care wanted to know this information.

Eight of the 15 children and youth were aware of their case plan and those seven children or youth who were not aware of their case plan wanted to know this information. Twelve of the children were aware of where they were going after their placement in foster care or that they would be remaining in foster care. The three children or youth, who were unaware of where they were going after their placement in care or if they would be remaining in care, wanted to know this information. None of the children or youth reported that they had been provided with any information prior to their placement about the foster home where they were currently living.

Ten of the 15 children and youth reported that they had seen their caseworker within the preceding six months. Only one child reported contact with their caseworker that met Ministry of Social Services policy (every six weeks). The other children were too young to be able to make a determination in this regard. Three of the children and youth reported that they did not know who their caseworker was and one of the children no longer had a caseworker, as the child had been either adopted or moved into the legal guardianship of a Person of Sufficient Interest (PSI).

Four of the 15 children and youth freely offered their opinion that they liked their caseworker and felt comfortable talking to them.

Foster parents interviewed reported that communication and contact between the children and youth placed in their care and the caseworkers assigned to supervise those children and youth had generally improved since the release of *A Breach of Trust*, but that this ultimately depended on the particular caseworker assigned to the child or youth.

2.3.2 Supporting Foster Parents

Home Help

In June 2008, the Ministry of Social Services provided funding to support the Saskatchewan Foster Families Association's implementation of a pilot Home Help Program for foster families to improve the level of care and supervision in overcrowded foster homes. The level of service provided by the Home Help Program staff, including cooking, cleaning and child care, are determined by the needs, ages and number of the children or youth in the foster home. At the time of the release of *A Breach of Trust*, the pilot project for this program was completed and ongoing support was being provided to the Saskatchewan Foster Families Association by the Ministry of Social Services to run this program for foster parents in the Centre Region.

As of July 23, 2009, the Saskatchewan Foster Families Association Home Help Program was serving 66 foster families in the Centre Region, with 236 employees on the payroll.

All of the foster parents interviewed by the Children's Advocate Office in July 2009 indicated that they would prefer to operate without home help employees in their homes, as they were concerned about creating an institutional environment or exposing the children and youth in their care to strangers.

6 These children and youth have been referred to the Children's Advocate Office's advocacy services to assist in resolving their concerns and questions.

However, those who did have home help indicated that it assisted in making their overcrowded homes safer (i.e., foster parents having more supervision and parenting time with the children and youth) and easier to manage (i.e., foster parents having assistance with domestic chores).

Three of the six foster parents interviewed reported that they felt they were getting the level of support needed from the Ministry to ensure a safe home environment for the children in their care. One of the six foster parents did not feel they were receiving the level of support required to provide a safe environment for children in their care, and the other foster parents made no comment on this subject.

Communication

In response to the release of *A Breach of Trust*, the Ministry of Social Services indicated that it was immediately adopting a value statement that, "Foster families are partners with the Ministry in the care of children in need. As such, they can expect to be treated with respect at all times, and as partners, they will have full access to the information they require to care for children."[7]

During the follow-up interviews conducted by the Children's Advocate Office with foster parents, they were asked if they had seen an improvement in the frequency and quality of contact between themselves and Ministry staff.

Foster parents reported different experiences depending on the Ministry caseworker or supervisor assigned to their home. All but one foster parent indicated that the frequency of contact had improved, but some of the foster parents reported that they continued to not receive important information (e.g., personal health numbers, history, etc.) about the children or youth at the time of placement in their foster homes. One foster parent reported that communication had actually worsened since the report was released.

2.3.3 Compliance with Policy

Physical Accommodations

As indicated previously in this progress report, one of the Ministry of Social Services reviews of overcrowded foster homes in the Saskatoon Service Centre focused on conducting safety assessments during visits to those homes. The Ministry advised that a number of safety issues were identified as a result of these assessments and plans were developed to address these deficiencies.

Foster parents interviewed by the Children's Advocate Office reported that other than checking for the presence of fire extinguishers and smoke detectors, they have not experienced increased attention from Ministry staff on the physical accommodations in their overcrowded foster homes (e.g., whether their foster home met the minimum standards for bedroom, bathroom and general safety requirements to ensure that the home environment could prevent and/or respond to emergency situations).

During the follow-up visits to foster homes by the Children's Advocate Office, it was observed that compliance with physical accommodation guidelines had improved as three out of five, or 60 per cent, of the homes complied with *the Residential Care Services: A Building, Health and Safety Guide* (1999). While the sample size was small for this review, 60 per cent compliance is a marked improvement from the 10 per cent compliance found in the original investigation into foster home overcrowding.

Serious Case Incidents

Updated information on the number of serious case incidents in foster homes reported to the Ministry was unavailable at the time this progress report was compiled. Ministry of Social Services policy requires regular reporting to the Regional Director and a biannual provincial consolidation of this information. The most recent consolidation for the province was in March 2009.

During the follow-up interviews conducted by the Children's Advocate Office in July 2009, none of the foster parents and children or youth in their care reported a serious case incident occurring in their home since the release of *A Breach of Trust*.

7 Saskatchewan, Ministry of Social Services, *Putting Children First* (February 2009).

Quality Management

In response to the release of *A Breach of Trust*, the Ministry of Social Services announced that it would, "contract an independent organization to conduct a policy compliance review of the Centre Region Child and Family Services operations."[8]

Since that time, the Ministry reported that rather than contract this function out, it has continued to expand capacity in its Quality Management Unit to examine and improve upon staff compliance with legislation, regulation and policy.

The Ministry of Social Services advised that since 2007 it has added eight staff positions that are dedicated to quality management and service improvement in Child and Family Services. Two of these positions are dedicated to supporting the 18 First Nations child and family services agencies and the other six positions constitute the centralized Quality Management Unit. This Unit is responsible for conducting audits in various program areas, carrying out comprehensive program evaluations focusing on measuring and enhancing services to children and families, conducting child death and critical injury reviews that are intended to reflect on the services provided to these children and their families, and conducting qualitative file audits designed to evaluate compliance with current provincial policies and processes that focus on child safety, well-being and permanence, supervision of staff, and transference of learning from training initiatives.

The Ministry of Social Services reported that progress on implementing recommendations made by the Children's Advocate Office regarding policy compliance and education will be tracked, in part, through compliance audits and reporting by the Quality Management Unit. The goal of these processes is to determine the underlying cause for non-compliance so the Ministry of Social Services can provide an effective response(s) (e.g., education, supervision or performance management).

2.4 Addressing Capacity

2.4.1 Recruitment and Retention of Foster Families

In response to the release of *A Breach of Trust*, the Ministry of Social Services announced on February 25, 2009, that it would, "set real targets to expand capacity.... During the next fiscal year, the Ministry will have a province-wide goal of adding 200 additional spaces for children and youth in care."[9]

The Saskatchewan Foster Families Association reported that, from February 25 to August 6, 2009, it received a total of 333 inquiries from across Saskatchewan for information on how to become a foster parent. Of those 333 inquiries, 184 were received through a 1-800 number operated by the Association and 149 were the result of inquiries made to the First Nations/Métis Recruitment Specialist, who operates out of the Association and focuses exclusively on recruiting First Nations and Métis foster families.

From those inquiries, the Saskatchewan Foster Families Association reported that it made 115 referrals to the regional offices of the Ministry of Social Services for further development and retention [i.e., providing additional information to inform their decision-making to become foster parents, making formal application, undergoing a home assessment, and completing Parent Resources for Information, Development and Education (PRIDE) training]. Of those 115 referrals, 104 were received through the 1-800 number and 11 were the result of inquiries made to the First Nations/Métis Recruitment Specialist.

The Ministry of Social Services indicated that it does not have a central tracking mechanism from which staff can compile, analyze and report information on how many referrals have reached the application, home assessment and/or training phases of the recruitment process.

Presently, the Ministry of Social Services only has reporting data on the net increase or decrease in the number of active foster homes, with no specificity on how many foster homes are newly active or

8 *Supra* note 7.
9 *Ibid.*

how many foster homes have ceased activity and the reason for closure. The Ministry of Social Services reports that, between February 1 and June 30, 2009, the number of active foster homes in the province has dropped by 26, which is a 4.4 per cent decrease. The Centre Region has suffered a net loss of 10 foster homes, which is a 4.6 per cent decrease.

2.4.2 Development of Group Homes

The Ministry of Social Services reported that it has partnered with community-based organizations to develop 97 new group home spaces since February 25, 2009 *(please see Appendix B for Ministry funding announcements)*. These include 60 peer home spaces in Saskatoon, 20 peer home spaces in Prince Albert, and five peer home spaces and 12 emergency receiving spaces in Regina.

2.4.3 Ministry of Social Services Staffing

Two of the key issues presented in *A Breach of Trust* were first, the culture of non-compliance with policy, regulatory and legislative requirements that the Children's Advocate Office found within the Saskatoon Service Centre office; and secondly, the sense of malaise and frustration that was evident when the Office interviewed Ministry of Social Services staff working throughout the child welfare system in Saskatchewan.

The Ministry of Social Services reported that in 2008, Ministry Human Resources staff completed an organizational needs assessment of the Saskatoon Service Centre office. The goal of the assessment was to better understand the training and development needs in the region, as well as an opportunity to hear from Ministry staff as to what was working well and what could be improved organizationally. The findings from this assessment have assisted the Ministry's management team to focus on those areas that require attention and develop strategies to improve communication and supports to all staff.

Additionally, since June 2009, the Ministry of Social Services reported that a number of actions have taken place to address the organizational challenges in the Saskatoon Service Centre office including:

- All staff received training on promoting a respectful workplace.
- All managers received harassment training.
- Weekly communication briefings and general staff meetings have been restored to increase communications.

Initiatives in the planning phase for the Saskatoon Service Centre office include:

- Harassment training for all staff.
- Development and implementation of child welfare staff recruitment and retention strategies.

Provincially, the Ministry of Social Services reported that it assigned a dedicated position to review issues with respect to recruitment and retention of staff in child welfare and research possible solutions. In February 2009, a final report, entitled *Recruitment and Retention in Child Welfare*, was prepared. The report examined the challenges in attracting and retaining staff in the child welfare system, looked at the pressures within the system itself and outlined a number of strategies, including some that are currently in use in other jurisdictions, to address these issues. The Ministry is now considering the implementation of a number of these strategies.

The Ministry of Social Services also reported that it has developed a *Child Welfare Human Resources Plan*, which prioritizes a number of initiatives including mentorship for new staff, the assignment of graduated caseloads and specific initiatives to address the unique challenges of recruiting and retaining staff in Northern Saskatchewan.

2.5 Leadership

2.5.1 By the Community

Following the release of *A Breach of Trust*, the Children's Advocate Office received many letters and phone calls regarding the contents of the report and offers of assistance in solving the issues and challenges it identified. Community-based organizations, professionals and Saskatchewan citizens from all backgrounds and regions came forward to express their support for children and youth in care, foster parents, child protection workers, and the improvement of the child welfare system at all intervention points. Concerned community members who contacted the Office emphasized the importance of the government's and community's commitment to provide sufficient preventative services that could avert the apprehension of children by supporting their families.

As well, professional organizations, unions, associations and university faculties issued a number of well-considered media releases.

The Saskatchewan Foster Families Association issued a media release that stated it "supports the recommendations outlined in the Advocate's report" and "fully supports the government adopting the *Children and Youth First* Principles as formulated by the Children's Advocate."[10]

The Saskatchewan Government Employees' Union issued a media release, urging the Ministry of Social Services to "take action immediately to ensure the safety and well being of children in the foster care system in the Saskatoon Region." It added that,

> We believe a pro-active, multi-faceted approach is needed to address the problems in the foster care system. We clearly need an aggressive foster home recruitment campaign, and legislated limits on the number of children in each home. We also need to give child protection staff the time and resources to do their jobs. It is essential to increase the number of child protection workers to deal with the increasing number of children in care and re-establish programs designed to support at-risk families to prevent child apprehension in the first place.[11]

The Saskatchewan Association of Social Workers also issued a media release,

> [A]dvocating for a province-wide collaborative process that will look beyond the current challenges in Saskatoon and develop a wider discussion in reconfiguring the system to ensure it utilizes key community resources.... The need to develop a comprehensive solution is becoming critical. It appears clear that children and youth entering care are staying in care for longer periods than would be ideal. The child-in-care caseload is estimated to continue its upward growth. There are several strategies that could be implemented to address these issues. The extent of poverty and marginalization in our communities should be addressed in a comprehensive way. The child welfare program should receive increased investment and accountability and mainstream programs be enhanced. New family support programs, parent training and neighbourhood collaboration should be offered in addition to traditional child welfare programs. New strategies are also required to address workforce and work environment issues…Initial steps [as part of a collaborative process] could include a community-based organizational summit or a working group of key stakeholders, and ensure that First Nations and Métis concerns are included in the discussions.[12]

10 Saskatchewan Foster Families Association, Media Release (25 February 2009).
11 Saskatchewan Government and General Employees' Union, Media Release, "Safety and well-being of foster children" (26 February 2009).
12 Saskatchewan Association of Social Workers, Media Release, "Saskatchewan Association of Social Workers advocates for collaborative process to utilize community resources" (4 March2009).

The University of Regina Faculty of Social Work issued an op/ed that identified, "The responsibilities of our province related to child welfare can only be effectively met through a systemic, comprehensive approach across multiple governmental and community agency boundaries and services."[13]

In advancing a six-point action plan, it also noted, among other things, that,

> [C]hild welfare interventions and foster care are the result of multiple stresses faced by families and by systems failures that require concerted preventative efforts to insure increased availability of services for families in need. These services include but are not limited to anti-poverty measures, affordable, adequate housing, access to affordable transportation and child care, increased availability of mental health and family counseling services, parent education, early childhood education, after school programming and community recreational programming for children and their families, and cultural sensitivity and anti-racism training in schools, communities and places of business.[14]

In summary, the six-point action plan from the University of Regina, Faculty of Social Work related to:

1. Financial and positive recognition of the multiple beneficial outcomes emanating from the work of the majority of child welfare professionals.
2. Greater collaborative efforts among several Ministries including Social Services, Education, Employment and Labour, Health and Justice.
3. Increased levels of staffing, supports, education and training within the current system designed to enhance the effectiveness of the current professional workforce.
4. Increased focus on workforce recruitment and retention strategies by the Ministry of Social Services.
5. Establishment of a province-wide and local community advisory board system in order to provide ongoing input and recommendations to the Ministry of Social Services regarding services.
6. Professional association and license registration of all professional level employees to help ensure the highest standards of professional practice.

The Federation of Saskatchewan Indian Nations, in its media release, applauded the Children's Advocate report and indicated that the Ministry of Social Services,

> [N]eeds to create a plan that is sensitive with input from the [Federation of Saskatchewan Indian Nations], the Children's Advocate Office and other social agencies that provide care to children. The plan needs to include a vision and a fundamental philosophy that needs to change and become one where children's needs are first and foremost.[15]

2.5.2 By the Ministry

In February 2009, the Ministry of Social Services appointed an Assistant Deputy Minister dedicated to child welfare. This new role was tasked with, "ensuring the child and family welfare system has effective policies that are adhered to in a consistent manner across the province"[16]

Specifically, this position was also made responsible for overseeing the operations of the Centre Region.

At that time, the Ministry of Social Services announced the creation of a Transition Team to, "support Centre Region management and staff as they make the necessary changes, review child protection cases and move forward to ensure effective programming...."[17]

13 University of Regina Faculty of Social Work, Op/Ed (9 March 2009).
14 *Ibid.*
15 Saskatchewan Federation of Indian Nations, Media Release, "The FSIN applaud the Children's Advocate for its report on the Foster Care System" (25 February 2009).
16 *Supra* note 7.
17 *Ibid.*

The Ministry also intended to:

> [C]ontract an independent organization to conduct a policy compliance review of the Centre Region Child and Family Services operations. This work will begin shortly and is expected to be completed this fall, and will include independent monitoring of improvements in policy compliance.[18]

In June 2009, the Ministry of Social Services announced significant changes to its senior management team. These included the appointment of a new Deputy Minister and the dismissal of the Assistant Deputy Minister who had been appointed in response to the foster home overcrowding crisis. Additionally, the Children's Advocate Office was informed that the Transition Team was no longer operating as such.

The Ministry reported that as a result of these changes, it was in the process of reviewing the commitments and initiatives announced in response to *A Breach of Trust*, developing implementation plans, and engaging an external organization to provide assistance. Additionally, the Ministry reported that,

> [W]ork has been undertaken to adjust and strengthen the organizational structure of the Ministry, with the focus on more centralized organization which supports a 'clear line of sight' and accountability from the program management and policy at the Assistant Deputy Minister level to the front-line staff.[19]

The Ministry of Social Services implemented a new organizational structure in October 2009 that was designed to:

> [I]mprove the service we deliver to our clients, the most vulnerable people of Saskatchewan. Addressing the needs of children and youth at risk and delivering on the government's commitment to strengthen our child welfare system were two of the key considerations in our planning and decision-making.[20]

The new Ministry of Social Services structure will consist of four divisions:

- Child and Family Services
- Corporate Services
- Housing
- Income Assistance and Disability Services

Within Child and Family Services, the Ministry of Social Services has reduced the number of regions from five to three: South, Centre and North. The Ministry of Social Services reported that the transition to the new structure is expected to be complete by December 31, 2009 and that the change will be "implemented strategically to ensure that the work continues on existing priorities, such as the child welfare system...."[21]

18 *Supra* note 7.
19 Correspondence between Andrea Brittin, Executive Director, Child and Family Services, Ministry of Social Services, and Laura Beard, Director of Investigations, Children's Advocate Office (6 August 2009).
20 Correspondence between Marian Zerr, Deputy Minister, Ministry of Social Services, and Marvin Bernstein, Children's Advocate, Children's Advocate Office (16 October 2009).
21 *Ibid.*

3 Improving the Child Welfare System

3.1 Putting *Children and Youth First*

3.1.1 Adopting and Implementing the Principles

In response to a recommendation (09-14142) included in *A Breach of Trust*, the Government of Saskatchewan announced on February 25, 2009, that it would be adopting the *Children and Youth First* Principles.[22] The provincial government also stated that, "these principles will act as a guide in examining policy and legislation and in developing and implementing both policy and legislative changes." The Principles are as follows:

> That ***ALL*** children and youth in Saskatchewan are entitled to:
>
> 1. Those rights defined by the United Nations *Convention on the Rights of the Child*.
> 2. Participate and be heard before any decision affecting them is made.
> 3. Have their 'best interests' given paramount consideration in any action or decision involving them.
> 4. An equal standard of care, protection and services.
> 5. The highest standard of health and education possible in order to reach their fullest potential.
> 6. Safety and protection from all forms of physical, emotional and sexual harm, while in the care of parents, governments, legal guardians or any person.
> 7. Be treated as the primary client, and at the centre, of all child-serving systems.
> 8. Have consideration given to the importance of their unique life history and spiritual traditions and practices, in accordance with their stated views and preferences.

The Premier of Saskatchewan, the Honourable Brad Wall, has affirmed the Government of Saskatchewan's adoption of the *Children and Youth First* Principles and its commitment to fulfilling the rights of children and youth in our province:

> Our government is committed to providing children within our province, and specifically those within the care of the Ministry of Social Services with the security and opportunities they rightfully deserve. The well-being of Saskatchewan children and youth is paramount to this government, and as a result, we were pleased to adopt the *Children and Youth First* Principles.[23]

3.1.2 Developing a Vision and Action Plan

Three additional recommendations were made in *A Breach of Trust* with the aim to move the *Children and Youth First* Principles from rhetoric to reality. These recommendations are:

1. That the Government of Saskatchewan develop a well-articulated and integrated Vision and Action Plan for children and youth, which places the interests of children and youth first. (09-14140)
2. That the Government of Saskatchewan include references to both children and youth in the Vision and core principles of the *Children and Youth First* Action Plan. (09-14141)
3. That the Ministry of Social Services immediately incorporate in *The Child and Family Services Act*, as well as in policy and practice, the … *Children and Youth First* Principles…. (09-14143)

22 *Supra* note 7.
23 Correspondence between Honourable Brad Wall, Premier of Saskatchewan and Marvin Bernstein, Saskatchewan Children's Advocate (17 March 2009).

The Ministry of Social Services reports that it is deferring consideration of all three of these recommendations until such time as the planned review of *The Child and Family Services Act*. To date, the Children's Advocate Office has not received any further information on how and when the Government of Saskatchewan will be implementing the *Children and Youth First* Principles.

3.1.3 Mandatory Education on the UN *Convention on the Rights of the Child*

The Ministry of Social Services reported that it accepts the recommendation (09-14139) made in *A Breach of Trust* that the Ministry immediately conduct mandatory education for all Ministry personnel on the rights of children under the United Nations *Convention on the Rights of the Child* and the obligations of the Government of Saskatchewan, which has endorsed the Convention.

3.2 Building a Solid Foundation

3.2.1 Legislative Review

In response to the release of *A Breach of Trust* in February 2009, the Ministry of Social Services announced that work had begun on a review of *The Child and Family Services Act* and *The Adoption Act, 1998*, and that the consultative phase would be starting soon with a projected completion date of fall 2009.

In August 2009, in response to a requisition for information for this progress report, the Ministry further indicated that it had created a proposed approach to legislative review,

> [T]hat would be a collaborative, two-year plan that engages key stakeholders. That proposed approach includes:
>
> - Seeking direction from cabinet.
> - Establishing an independent panel.
> - Engaging stakeholders in the planning phase, the consultation phase and the legislative review phase.[24]

In November 2009, the Ministry of Social Services reported that the review would

> [N]ot simply be about legislative change, but a far more fundamental look at how we, as a society, nurture and protect our children. An independent panel will be charged with leading an extensive consultation with a diverse range of stakeholders. The panel will focus at the highest level on the question: 'What needs to be done?' It is anticipated this review will not lead amendments to existing child welfare and adoption legislation, but rather to new Act(s).[25]

The Ministry of Social Services has indicated to the Children's Advocate Office that 17 of the 45 recommendations made in *A Breach of Trust* are deferred until the legislative review.

3.2.2 Oyate Systemic Issue and Access to Justice Recommendations

The seriousness of the findings of the Children's Advocate Office investigation into foster home overcrowding prompted the Office to affirm and forward, once again, three recommendations (06-10728 a, b and c) first submitted to the Department of Community Resources (now Ministry of Social Services) on September 14, 2006, as part of a systemic issues investigation into the Oyate Safe House.[26] These three Oyate systemic issue recommendations focus on codifying, in *The Child and Family Services Act*, both guiding and service delivery principles, that establish the paramount purpose of the legislation to be "to promote the best interests, protection, safety and well-being of children," as well as codifying in the same Act the specific rights and entitlements of children in the care of the Minister.

24 *Supra* note 19.

25 Email correspondence between Cheryl Seneca, Assistant Deputy Minister, Child and Family Services, Ministry of Social Services and Marvin Bernstein, Saskatchewan Children's Advocate (5 November 2009).

26 Saskatchewan, Children's Advocate Office, *Beyond 'at Risk' Children Systemic Issues Report regarding Sexually Exploited Children & Oyate Safe House* (September 2006).

Additionally, the seriousness of the risks of harm to children cited in *A Breach of Trust* also caused the Children's Advocate Office to re-affirm and forward once again four recommendations (06-10840 to 06-10844) that would facilitate access to independent legal representation for children and youth in the care of the Minister, first submitted in correspondence, dated January 4, 2007, to the former Minister of Community Resources (now Ministry of Social Services) and Minister of Justice (now Justice and the Attorney General).

The Ministry of Social Services has deferred consideration of these seven recommendations until the legislative review.

4 Children's Advocate Commentary

4.1 Foster Home Overcrowding

4.1.1 Numbers Worse than Originally Reported

In response to the first recommendation made by the Children's Advocate Office in *A Breach of Trust*, for inclusion in this progress report the Ministry of Social Services has provided updated statistics on the number of overcrowded foster homes and the number of children in care placed in those homes. The Children's Advocate Office specifically requested statistical information broken down by therapeutic and non-therapeutic foster homes for each of the Ministry's five operational regions.

The Ministry of Social Services has reported it has centralized the process for the collection, analysis and reporting of foster home overcrowding data from all regions. The Ministry has also reported that the statistical information included in *A Breach of Trust* from the Centre Region (including the city of Saskatoon) was incorrect. Therefore, the Ministry has provided to the Children's Advocate Office revised statistics for that region and the new statistics from all other regions for comparison purposes.

The revised numbers for the Centre Region show that foster home overcrowding as of the end of June 2008 (the benchmark date for the original investigation) was significantly worse than originally reported by the Centre Region to the Children's Advocate Office. The new statistics for the end of June 2008 indicate that the total number of overcrowded foster homes in the Centre Region at that time was 53 (not 34 as originally reported to the Children's Advocate Office) and the total number of children living in those homes was 342 (not 259 as originally reported to the Children's Advocate Office).

The original Children's Advocate Office's investigation into foster home overcrowding was limited to the Saskatoon Service Centre; however, statistics for the Ministry's Southwest Region as of the end of June 2008 show that overcrowding in the Ministry's Southwest Region (including the city of Regina) was at virtually the same level (52 ~~53~~ overcrowded foster homes) as the Centre Region (53 ~~54~~ overcrowded foster homes). The Northeast Region (including the city of Prince Albert) also had significant numbers of overcrowded foster homes (38), while the Northwest and Southeast Regions had only two and three overcrowded foster homes respectively at that same time.

In total, as of June 2008, there were 148 overcrowded foster homes province-wide with 921 children placed in those homes. This represented 19.2 per cent of all active foster homes and 48.2 per cent of all children placed in foster care at that time.

4.1.2 Nominal Improvement in Reducing Numbers

In a year over year comparison between the end of June 2008 and June 2009, there has been a nominal reduction in the number of overcrowded foster homes in Saskatchewan. Province-wide, the total number of overcrowded foster homes has decreased from 148 to 135 and the number of children in those homes has decreased from 921 to 837. Therefore, as of June 2009, 18.2 per cent of all active foster homes are overcrowded and 43.5 per cent of all children placed in foster care live in an overcrowded foster home.

Overcrowding in the Centre Region (including the city of Saskatoon) remains virtually unchanged from June 2008 to June 2009, with one less overcrowded foster home and seven fewer children or youth living in overcrowded foster homes. The number of therapeutic foster homes that were overcrowded in the Centre Region increased by three with 18 ~~eight~~ more children or youth living in those homes. The number of non-therapeutic foster homes that were overcrowded decreased by four with 25 fewer children living in those homes.

The Southwest Region (including the city of Regina) has reduced the number of overcrowded foster homes by five with 30 fewer children or youth living in overcrowded foster homes. As noted previously in this report, as of June 2009, overcrowding was only present in non-therapeutic foster homes in Regina.

The Northeast Region has had a significant reduction in the number of homes that are overcrowded with 10 less and 62 fewer children or youth living in overcrowded foster homes. The number of therapeutic foster homes that were overcrowded in the Northeast ~~Centre~~ Region increased by two with nine more children or youth living in those homes. The number of non-therapeutic foster homes that were overcrowded decreased by 12 with 71 fewer children living in those homes.

Overall, these province-wide and regional statistics reveal that foster home overcrowding remains a significant challenge in the cities of Saskatoon, Regina and Prince Albert.

4.2 Ensuring the Safety of Children and Youth

4.2.1 Investment in a New Information Management System

The Ministry of Social Services reported that it is working to create a new information management system to provide accessible, pertinent and comprehensive information on children and youth in its direct and delegated care. The importance of creating such a system is underlined by the apparent challenges Ministry staff have in producing comprehensive, timely, relevant and accurate information from their current electronic and manual systems.

As part of the Children's Advocate Office's preparation of this progress report, we were surprised to receive revised supplementary information that reflected a substantial deviation from the statistical data previously provided to the Office in June 2008 for the original investigation into foster home overcrowding in the Saskatoon Service Centre.

While we believe that the Ministry of Social Services has, in good faith, provided what statistical information it can, whenever we have requisitioned it, in this case, the Ministry has reported that the lack of a centralized process for the collection, analysis and reporting of data resulted in inaccurate statistics being published in our report. The Children's Advocate Office acknowledges the effort the Ministry has expended to rectify this particular issue and looks forward to seeing the results of the significant investment in human and financial resources that has been committed to the planning, development and implementation of the new Linkin case management system.

4.2.2 The Importance of a Single System

The Ministry of Social Services reported that the process to develop its new information management system has included discussions between the Ministry and the First Nations child and family services agencies (that have delegated authority to deliver on-reserve services to children and youth in care in Saskatchewan) regarding the voluntary adoption of this new system. While the Children's Advocate Office agrees that meaningful consultations and end-user commitment to implement the new system is important, we respectfully disagree with the concept of creating a 'voluntary' information management system as meeting the best interests of children and youth in care.

On September 3, 2002, a 20-month-old child suffered life-threatening, non-accidental injuries.[27] Baby Andy and his two older siblings had recently been returned from foster care and were receiving services from the Montreal Lake Child and Family Services Agency. The Montreal Lake Agency and the Prince Albert office of the Department of Community Resources and Employment had provided services to the family at different times during the period between June 1999 and September 2002.

27 Saskatchewan, Department of Community Resources and Employment and Montreal Lake Child & Family Agency, Inc., *The 'Baby Andy' Report,: Examination of Services Provided to Baby Andy and His Family*, (July 2003).

The Review Panel examining the services provided to Baby Andy and his family made the following formal finding, among others:

> Information sharing and communication between the Department of Community Resources and Employment and the Agency was not adequate to ensure that both systems were aware of complete information and that joint case planning occurred based on that information.[28]

The review Panel also observed that, "Given the high degree of mobility of many families and the critical need for a seamless child protection system, both services require access to a common database."[29]

Recommendation 1.2 of the Review Panel stated:

> That with the support of INAC, the Department's Information System be extended to all FNCFS agencies so that a common database exists for all families and children receiving child protection services as permitted by the current legal framework and confidentiality restrictions.[30]

Further to these findings and recommendations, in the Children's Advocate Office's *2005 Summary of Child Death Reviews*, we found that in seven of the 23 child death reviews completed by the Office in 2000 and 2001, there existed problems with information management, including sharing information, accessing information, storing information, and recording information.[31]

It is now seven years since the critical injury ~~death~~ of Baby Andy revealed just how serious the 'siloing' of information between the Ministry of Social Services and its delegated agencies can be. The Children's Advocate Office has, and continues to experience, in its advocacy and investigations work, cases of children and youth being harmed and service delivery being compromised when information is not recorded; is housed in jurisdictional or regional silos; or is inaccessible to front-line child protection workers, caseworkers and supervisors, or health, mental health and other professionals providing prevention, intervention and protection services.

The concept of having a single information management system used by the Ministry and all of its delegated authorities will help protect children and youth from being provided differential treatment based on where they are located and/or what office or agency provides service. Such an approach would also put into action the following *Children and Youth First* Principles, already adopted by the Government of Saskatchewan, which guarantee, among other things, that all Saskatchewan children and youth are entitled to:

- Have their 'best interests' given paramount consideration in any action or decision involving them.
- An equal standard of care, protection and services.
- Safety and protection from all forms of physical, emotional and sexual harm, while in the care of parents, governments, legal guardians or any person.
- Be treated as the primary client, and at the centre, of all child-serving systems.

Furthermore, consistent methods of data collection, analysis and reporting on all children and youth in the Ministry of Social Services care, placed both on and off-reserve, would significantly help staff at all levels and in all regions and agencies to better manage the current foster home overcrowding crisis and strategically solve the causal issues in the broader child welfare system.

Therefore, it is essential that all 18 of the First Nations child and family services agencies, to which the Ministry of Social Services has delegated authority to care for children and youth on-reserve, adopt and implement a provincial single information management system, and that this results in well-informed,

28 *Supra* note 27 at 19.
29 *Ibid.*
30 *Ibid.* at 20.
31 Saskatchewan, Children's Advocate Office, *A Summary of Child Death Reviews for the Years 2000 and 2001*, (Saskatoon, 2005) at 5.

integrated service delivery, which will ultimately benefit all front-line workers and the children and youth they serve.

4.2.3 Case Reviews and Safety Planning

The Children's Advocate Office's original investigation into foster home overcrowding in the Saskatoon Service Centre area found that children and youth placed in these homes are at increased risk of physical, sexual, emotional and psychological harm. Therefore, if nearly half of all children and youth in foster care in Saskatchewan must be placed in an overcrowded foster home, due to a lack of resource capacity, then it is very important that the Ministry of Social Services focus on reducing the potential for harm for those affected children and youth.

Children and youth placed in overcrowded foster homes require additional supervision, communication and intervention by the Ministry of Social Services caseworkers and supervisors, who manage their cases and the foster homes they are placed in, to both prevent potential harm and support these children and youth, if harm has occurred.

The Ministry of Social Services reported that, as of June 30, 2009, it had yet to conduct a comprehensive case plan review or develop safety plans, including interviewing young persons where appropriate, as intended by our recommendations in *A Breach of Trust*, for those children and youth who have been placed in overcrowded foster homes in the Saskatoon Service Centre area. However, the Ministry of Social Services recently informed the Children's Advocate Office that since August 2009, it has worked on a new review that integrates the expertise of the Quality Management Unit with regional staff efforts to further examine the cases and safety of children and youth in these overcrowded foster homes.

Such reviews, and possible interviews, would provide an opportunity for the Ministry of Social Services to better understand the views and preferences of children and youth, and discuss with them whether they would like to contact the Children's Advocate Office for purposes of securing either advocacy support or legal representation (through a referral to the Child and Youth Representation Pro Bono Roster Program).

Conducting a comprehensive case plan review, developing appropriate safety plans, and interviewing children and youth, would also support the following adopted *Children and Youth First* Principles, which ensure that all Saskatchewan children and youth are entitled to:

- Participate and be heard before any decision affecting them is made.
- Have their 'best interests' given paramount consideration in any action or decision involving them.
- Safety and protection from all forms of physical, emotional and sexual harm, while in the care of parents, governments, legal guardians or any person.
- Be treated as the primary client, and at the centre, of all child-serving systems.

We encourage the Ministry to prioritize the completion of this review as soon as possible, and to remain attentive to the potential risks overcrowding has for children and youth in foster care. This can be achieved by improving staff policy compliance in regards to assessing physical accommodations in foster homes and child protection worker contact requirements in respect of the children and youth in those foster homes, as well as conducting well-informed case and safety plan reviews, that involve the direct participation of children and youth.

4.3 Building Capacity

4.3.1 Developing New Resources

As announced by the Ministry of Social Services in response to the public release of *A Breach of Trust*, efforts would be made to expand capacity with investments made to develop group home spaces, attract more

foster homes in partnership with the Saskatchewan Foster Families Association, and a series of initiatives to address long-standing concerns of foster families to ensure retention.

Expanded group home capacity is a welcome development in Saskatchewan. Youth who are appropriately matched and placed in these homes can benefit greatly from the unique services and supports these environments can provide. The Children's Advocate Office encourages the continued development of these and other appropriate resources along the continuum of child welfare care, as well as the provision of oversights and supports by the Ministry of Social Services, as these community-based facilities and resources open their doors to vulnerable children and youth.

In regard to foster home recruitment and retention, the Children's Advocate Office is pleased to see many of the long-term concerns of foster parents being addressed and the Saskatchewan Foster Families Association securing additional funding to recruit and support these important caregivers. The Saskatchewan Foster Families Association reported that many of the initiatives, announced by the Ministry in February 2009, are still in the planning or piloting phases and have not yet reached or affected the majority of foster parents. Therefore, it is a bit premature to assess the results of these newly funded initiatives.

However, one absent component of this plan that the Ministry of Social Services should consider is managing the recruitment of new foster families centrally, rather than regionally, where differential communications, treatment and standards could affect the Ministry's ability to cultivate and retain those interested families. The recent reorganization of the Ministry may also have a positive impact on this issue through the reduction of the number of regions from five to three to provide more centralized reporting and accountability.

Also, foster home overcrowding and related issues in the child welfare system continue to have a significant impact on Ministry of Social Services staff morale, recruitment and retention. This is some of the most difficult, emotionally challenging work undertaken by members of the public service and those workers, who are on the front-lines everyday, need to be valued and seen as part of the solution to these issues. The Children's Advocate Office encourages the Ministry to expand its examination of appropriate caseloads and staffing levels to ensure that front-line workers can meet the policy, regulatory and legislative requirements of their jobs, and the needs of the children and youth they serve.

4.3.2 Seizing Opportunities to Collaborate

The numerous supportive responses from professional organizations, unions, associations and university faculties was one of the silver linings to the aftermath of the report and speaks well to the level of concern, volunteerism and goodwill that exists in various areas of this province.

It is clear, from the community's response, that many individuals and organizations are ready to support the Ministry of Social Services as it tackles these very serious issues. The Children's Advocate Office encourages the Ministry to reach out and access the experience, skills and expertise of these community members, and to do so in a way that brings the right people together, builds understanding, trust and partnership, is purposeful and respectful and, most importantly, gives voice to children and youth.

It is also important that the Ministry of Social Services lead these efforts for it has a legal responsibility to serve the best interests of children and youth in its care. Therefore, the Children's Advocate Office encourages the Ministry to work to bring its partners and supporters to a common table to achieve meaningful, collaborative consultations. In this way, we are all more likely to successfully address the compression in foster care and the related issues in the child welfare system and beyond.

4.3.3 Special Committee on Foster Care and Permanency Planning

In *A Breach of Trust*, the Children's Advocate Office set out the justification for creating a Special Committee on Foster Care and Permanency Planning in the following terms:

> In order to address both the foster care compression currently taking place in the Saskatoon Service Centre area and the best interests of children in care, the Ministry of Social Services must expand the range of permanency options for both alternative out-of-care and in-care placements. The narrowness and rigidity of the legislated options is forcing too many children into care and keeping them there for too long before any permanency planning decisions are required to be made. It is important to find ways to reduce these limbo periods where children are simply being warehoused and to create shorter cumulative maximum time periods for children in care based upon age delineation.
>
> As well, the Ministry could and should access the expertise and resources of the Federation of Saskatchewan Indian Nations, the Métis Nation-Saskatchewan, the Saskatchewan Children's Advocate Office, current/former youth in care, and other relevant sources to develop and implement a plan that would focus on creating a safe and nurturing foster care system dedicated to promoting the best interests of children in care. A Special Committee on Foster Care and Permanency Planning, which would include such representation, who would make specific recommendations to improve the system for children, similar to the all party committee on the sexual exploitation of children, must be considered.[32]

After an early expression of interest by the Ministry of Social Services in implementing this recommendation, the Ministry has reported more recently that it was not accepting this recommendation. The current Ministry response agrees with the need to create a safe and nurturing foster care system dedicated to promoting the best interests of children in foster care and to expand the range of permanency options for both alternative out-of-care and in-care placements, but it does not provide any assurance that there will, at any point, be an integrated, common table where all relevant points of view can be expressed through transparent and open dialogue.

4.4 Moving Forward

4.4.1 Implementing the *Children and Youth First* Principles

The Government of Saskatchewan's adoption of the *Children and Youth First* Principles was a significant milestone for the children and youth of Saskatchewan. As a first in Canada, this singular event has raised the prestige of Saskatchewan to be a leader in recognizing and promoting the rights, best interests and well being of children and youth. Now, the Children's Advocate Office is looking forward to seeing how the provincial government will translate these 'paper rights' of children and youth into actual 'lived rights.' In other words, now that it has adopted the Principles, how will the Government of Saskatchewan translate them from theory into practice?

In response to the recommendation included in *A Breach of Trust* that "the Government of Saskatchewan develop a well-articulated and integrated vision and action plan for children and youth, which places the interests of children and youth first," the Ministry of Social Services has indicated it is deferring consideration of this recommendation on the basis that the planned review of *The Child and Family Services Act* will address this recommendation.

It is difficult to see why the development of a *Children and Youth First* Vision and Action Plan needs to await the legislative review, given that the Government of Saskatchewan has already adopted these *Children and Youth First* Principles. It is logical to expect that what will follow the adoption of the *Children and Youth First* Principles is a *Children and Youth First* Vision and Action Plan to ensure an integrated and well-coordinated approach to addressing the needs of the whole child, so that services are seamlessly delivered across systems.

32 *Supra* note 1 at 57.

4.4.2 Legislative Reform

Fast-Tracking Key Legislative Reform

Because the Ministry of Social Services has indicated that 17 of the 45 recommendations made in *A Breach of Trust* are deferred until the legislative review, which could understandably take up to two years or longer to complete, the Children's Advocate Office encourages the Ministry of Social Services to prioritize and 'fast-track' specific amendments to *The Child and Family Services Act* to provide a foundation for moving forward on that broader, longer-term independent legislative review.

Included in these fast-tracked amendments would be recommendations made to the Ministry of Social Services over three years ago including: the Oyate systemic issue recommendations regarding incorporating guiding and service delivery principles that should be based on the newly adopted *Children and Youth First* Principles; and recommendations regarding the development of an independent legal representation for children and youth affected by child welfare court proceedings.

In *A Breach of Trust*, the need for immediate legislative reform was described in the following terms:

> The narrowness and rigidity of the legislated options is forcing too many children into care and keeping them there for far too long before any permanency planning decisions are required to be made. It is important to find ways to reduce these limbo periods where children are simply being warehoused and to create shorter cumulative maximum time periods for children in care based upon age delineation.[33]

Legislating Guiding and Service Delivery Principles and the Rights of Children in Care

The seriousness of the findings of the investigation into foster home overcrowding prompted the Children's Advocate Office to affirm and forward, once again, three recommendations first submitted to the Department of Community Resources (now Ministry of Social Services) as part of a systemic issues investigation into the Oyate Safe House on September 14, 2006 (i.e., more than three years ago).

These three Oyate systemic issue recommendations focus on codifying, in *The Child and Family Services Act*, both guiding and service delivery principles, including establishing that the paramount purpose of that legislation "to promote the best interests, protection, safety and well-being of children," as well as legislating explicitly in the same Act the specific rights and entitlements of children in the care of the Minister.

In *A Breach of Trust*, the need to follow through on the Oyate systemic issue recommendations was underscored:

> Unfortunately, there are very few entitlements that are set out as positive rights for children receiving services from, or in the care of, ministries and agencies of the Provincial Government. In point of fact, most of the rights and entitlements of children are derivative from the obligations imposed upon parents, guardians, caregivers, Ministry staff, courts and other decision-makers.
>
> As previously mentioned In the Children's Advocate's Office's Oyate systemic issue reoprt:
>
> > [T]he best way to achieve this [i.e. a child-centred approach that supports early and decisive Intervention and a stronger commitment to achieving permanency In the child's life] is through the introduction into Saskatchewan's Child and Family Services Act of a list of guiding principles and a code of children's rights and entitlements — an approach which has been taken In many other jurisdictions.
> >
> > In the guiding principles, there would be a catalogue of relevant considerations, which would be read subject to the paramount

33 *Supra* note 1 at 5.

purpose of the best interests of the child. This is the approach taken in British Columbia, Manitoba, Newfoundland, Nunavut, Ontario and Prince Edward Island.'

Given the experience of many of those children placed in overcrowded foster homes, the Children's Advocate Office believes that it is important to introduce a listing of explicit rights and entitlements for children in the care of government, having particular regard to the Importance of the United Nations *Convention on the Rights of the Child*, with its emphasis on treating children as rights-holders, including the right to state protection and safety from harm. This approach has been taken In British Columbia, Ontario and Quebec.[34]

In the Oyate systemic issue report, the Children's Advocate Office found that the Department of Community Resources (now Ministry of Social Services) continues to set child welfare policy through its restrictive 'Family-Centred' Services Policy and Procedures Manual; and that *The Child and Family Services Act* is out of step with most child protection statutes across the country, as well as Article 3(1) of the United Nations *Convention on the Rights of the Child*, in failing to recognize that the paramount consideration is the 'best interests of the child.'

More specifically, it is important to note that Section 3 of *The Child and Family Services Act* currently states that, "The purpose of this Act is to promote the well-being of children in need of protection by offering, wherever appropriate, services that are designed to maintain, support and preserve the family In the least disruptive manner."[35]

This current paramount purpose of *The Child and Family Services Act* builds in a presumption that a child's well-being rests with preserving the family, and does not use the term 'best interests,' which is specifically defined in Section 4 of the Act (which would trigger a mandatory consideration of the eight enumerated factors), and is a determination, which requires an objective and neutral assessment of the facts. As well, the reference to providing services in the "least disruptive manner" to the 'family' tilts the analysis away from an objective assessment of risk and disruption to the 'child.'

The current statutory statement of purpose also runs contrary to the following *Children and Youth First* Principles, already adopted by the Government of Saskatchewan, which guarantees that all Saskatchewan children and youth are entitled to:

- Have their 'best interests' given paramount consideration in any action or decision involving them.
- Safety and protection from all forms of physical, emotional and sexual harm, while in the care of parents, governments, legal guardians or any person.
- Be treated as the primary client, and at the centre, of all child-serving systems.

Thus, there is urgency to fast-tracking the incorporation of the *Children and Youth First* Principles and the related recommendations from the Oyate systemic issue report in order to supersede the family-centered philosophy that has been enshrined in case law to date based upon the existing family-centred provisions of *The Child and Family Services Act*.

In the experience of the Children's Advocate Office, moving from a family-centred model to a child-centred model of guiding principles and service delivery will create a better legislative environment to ensure the safety, protection and well-being of children and youth in Saskatchewan.

Urgency of Changing from a Family-Centred Philosophy

In the Children's Advocate Office Oyate systemic issue report, we emphasized the need and the urgency to move from a family-centred model to a child-centred model of service delivery because of the recurring situations where the safety, protection and well being of children were being compromised in order to

34 *Supra* note 26 at 29, 63.
35 *The Child and Family Services Act*, S.S. 1989-90, c. C-7.2, s3.

preserve the family at any cost. For example, in the Oyate systemic issue report, we noted that the lack of a child-first focus within the Department of Community Resources was not unique to the Oyate Safe House investigation, but that we had repeatedly observed this phenomenon — and the harmful effects — through our child death and critical injury investigations.

> Experience has indicated that decisive intervention into the lives of children in need of protection is often hampered by the emphasis placed on the autonomy of the family. Frequently, decisions appear to be made which give the interests and desires of parents an inappropriate priority over the best interests of their children. This parental autonomy approach can be deleterious at both the front-line and judicial levels and appears to have led, in the past, to government and judicial intervention, which can be described as "too little too late' ...[T]he annals of child death and severe child injuries are a tragic and unacceptable legacy that has resulted from the imposition of a singular family-centred philosophy at the expense of the well-being and best interests of vulnerable and previously victimized children.
>
> ...The CAO has reported on a number of incidents in its Child Death Reviews whereby the current family-centred philosophy, with an insufficient child focus, has had devastating and life limiting effects on children. In the view of the Children's Advocate, the loss of life of one child is too many – but we have seen too many deaths and critical injuries that reflect this harmful philosophy of reducing children to the status of "family chattels' to be fought over.
>
> In its investigation into the Oyate Safe House, the CAO found a similar pattern of repeated return to abusive and harmful family environments that contributed to the current lifestyle of many of the children interviewed, leaving them with a view of hopelessness and despair.
>
> Often, decisions regarding the child are made in isolation, without the child or his/her input, with an underlying philosophy that values family reunification and cultural consideration over the needs, protection and well being of the child in question. Unfortunately, the ultimate price is most often paid by the child. If the behavior of the family, and therefore the living environment, has not changed — the cycle simply continues and becomes inter-generational in nature.[36]

Ensuring Access to Justice — Legal Representation for Children and Youth

The seriousness of the risks of harm to children cited in *A Breach of Trust* also caused the Children's Advocate Office to additionally affirm and forward, once again, four recommendations (06-10840 to 06-10844) that would facilitate access to independent legal representation for children and youth in the care of the Minister, first submitted in correspondence, dated January 4, 2007 (i.e., almost three years ago) to the former Minister of Community Resources (now Ministry of Social Services) and Minister of Justice (now Justice and Attorney General).

As to this area of urgency, presently, Saskatchewan does not have child welfare legislation, which explicitly authorizes child and youth representation, nor the accompanying processes and procedures. There are fundamental inequities involved in the child representation system in child welfare court proceedings in Saskatchewan. Specifically, current child welfare legislation in Saskatchewan fails to:

- Explicitly make children parties to child welfare court proceedings, regardless of age;

36 *Supra* note 26 at 34-35.

- Stipulate any clear authority for independent child representation to be ordered by the Court;
- Set out any criteria for a Court to consider before deciding on the value of such independent representation; and
- Ensure that there is a level playing field of uniform jurisdiction in all courts across the province to order such legal representation.

As a response to the *Final Report of the Family and Youth Access to Justice Committee*, released in late 2008, a provincial Child Welfare Committee was organized to review both traditional court processes and alternative dispute resolution mechanisms in child welfare within Saskatchewan. The issue of independent legal representation for children and youth is one of those matters currently being examined by this Committee.

Since January 2008, the Children's Advocate Office and Pro Bono Law Saskatchewan have operated a Child and Youth Representation Pro Bono Panel Program as an interim joint initiative to provide independent legal representation to children and youth, who are affected by child welfare court proceedings in Saskatchewan. Unfortunately, during this same time period, several youth in need of legal representation have been denied such representation due to lack of capacity within the program. As with any volunteer-based program, pragmatic decisions must be made about how to best allocate resources.

Compounding the pressures on this un-funded, voluntary program, is the fact that the Ministry of Social Services has been working in good faith to develop policy regarding criteria for staff to identify children and youth in care and in need of independent representation, as well as the referral process itself. Once the Ministry of Social Services implements the policy and provides the related education to its staff, the elevated awareness of the benefits of independent legal representation for children and youth by Ministry staff will likely significantly increase the current demand for this service in a manner that could far outweigh the available pro-bono resources.

The various benefits that have been demonstrated in the 22 months since the inception of the program, as reported by the pro bono counsel for children and youth include:

- That it provides more checks and balances in the child welfare court process, particularly where the Ministry position may not be independently perceived as being in the best interests of the child or youth.
- Often children and youth do not object to the Ministry order being sought, but appreciate the opportunity to speak with someone independent, who can ask questions of the Ministry and/or the Court and suggest alternatives.
- Children and youth have indicated a sense of relief when they understand that someone has been appointed to listen to them.
- Children and youth sometimes request specific conditions that can be easily included in an order that can address concerns important to them.
- Children and youth have been able to comment on concerns about their living situation and wherever possible, attempts have been made through advocacy, or through simply bringing the matter to the right person's attention, to resolve problems for the youth.
- Speaking with the child or youth and listening to their concerns, views and preferences does not necessarily mean that they will like what is happening to them, but it does create the opportunity to fully explore all options and assist them in achieving a better understanding of the decision-making process.

There is a growing urgency for the Government of Saskatchewan to immediately develop, fund and implement a child representation program, entrenched in child welfare legislation, with sufficient training and administrative oversight, which would provide children and youth with clear and unencumbered

access to independent legal representation in child welfare proceedings. The reasons for this urgency are as follows:

- There has been a 22-month trial period for pro bono child representation and already numerous benefits have been identified.
- The Pro Bono Child and Youth Representation Panel Program is meant to be an interim solution only and no longer has the capacity to meet the referral needs in all cases.
- All of the lawyer volunteers already engaged in full-time employment are providing their services without the traditional framework, infrastructure, and oversight that would normally be associated with such a program.
- There is limited ability on the part of pro bono counsel to attend all court proceedings and represent the child or youth at trial, particularly where it will extend over many days, because of the practical financial consequences for the individual counsel and his or her firm.
- There continues to be unequal and discriminatory treatment under the law and a sense of two-tiered justice with access to independent legal representation being available only to those children and youth whose cases are being decided in the Court of Queen's Bench (i.e., with inherent general jurisdiction), but not to those children and youth whose cases are being decided in the Provincial Court (i.e., with limited statutory jurisdiction). This can only be corrected by a legislative amendment that confers authority on all courts equally to consider and make appropriate orders for child representation.
- There has been an uneven level of referrals for independent legal representation even from those regions, which have a Court of Queen's Bench (e.g., Saskatoon, Regina and Prince Albert), so that there are regional disparities that are likewise having a discriminatory effect on the affected children and youth. This can only be corrected by a legislative amendment that stipulates specific objective criteria to guide all courts when deciding whether child representation should be ordered.
- There is growing confusion as to the role of child's counsel and counsel's legal authority to appear on behalf of children and youth in child welfare court proceedings.
- There is the risk of detrimental legal principles being established as a result of case decisions being made in a legislative vacuum.
- Children and youth placed in overcrowded foster homes continue to be at risk of physical, sexual, emotional and psychological harm, and access to independent legal representation would add another safety check into the system (the specific benefits of independent legal representation to these vulnerable children residing in overcrowded foster homes can be reviewed at page 64 of *A Breach of Trust*).

With the planned independent review of child welfare legislation potentially taking two or more years to complete, we fear that many children and youth in Saskatchewan will not receive this right to independent representation in the interim. Fast-tracked legislative reform (with one procedural section being added to *The Child and Family Services Act*) would provide equitable service for children and youth in all courts in Saskatchewan and pave the way for a funded program of independent legal representation that would benefit hundreds of children and youth annually.

APPENDIX A: Statistics

A.1 Child and Family Services Statistics

A.1.1 Province-wide

Table 1: Children in Care[37]

	Dec 07	Jun 08	Dec 08	Jun 09
Children in care placed in foster homes	1948	1909	1909	1924
Children living in all other types of placements including extended family*	1298	1534	1679	1595
TOTAL Children in Care	**3246**	**3443**	**3588**	**3519**
+/- Change	197	145	-69	
% Change	5.7%	4%	-2%	

* "All other types of placements" include private treatment, and children in care of the Ministry of Social Services in Saskatchewan, but living with family in other provinces, with extended family, or in other residential placements.

Table 2: Children in Care On-Reserve

	Mar 31/07	Mar 31/08	Mar 31/09
Children in care in all types of placements on-reserve	1159	1166	1206
+/- Change	7	40	
% Change	0.6%	3.3%	

A.2 Foster Care Statistics

A.2.1 Province-wide

Table 3: Foster Homes

	Dec 08	Jun 09
Foster homes	770	741
Overcrowded foster homes[1]	148	135
% of Foster Homes that are Overcrowded	**19.2%**	**18.2%**

Table 4: Children in Care Placed in Foster Homes

	Dec 08	Jun 09
Children in care placed in foster homes	1909	1924
Children in care placed in foster homes with more than four children	921	837
% of Children in Care Placed in Foster Homes that are Overcrowded	**48.2%**	**43.5%**

37 These numbers include children who were apprehended by the Ministry of Social Services off-reserve and subsequently placed on-reserve.

Table 5: Maximum Number of Placements Available vs. Number Placed

Type of Foster Home	Number of Overcrowded Homes		Maximum Number of Placements		Number of Children Placed		Per Cent of Capacity	
	Jun 08	Jun 09	Jun 08	Jun 09	Jun 08	Jun 09	Jun 08	Jun 09
Therapeutic	27	30	54*	60*	146	164	270%	273%
Non	121	105	484	420	775	673	160%	160%
Totals	148	135	538	480	921	837	171%	174%
+/- Change		-13				-84		
% Change		-9.6%				-10.0%		

* This number assumes that the maximum of two children may be placed in these homes.

A.2.2 Centre Region

Table 6: Maximum Number of Placements Available vs. Number Placed

Type of Foster Home	Number of Overcrowded Homes		Maximum Number of Placements		Number of Children Placed		Per Cent of Capacity	
	Jun 08	Jun 09	Jun 08	Jun 09	Jun 08	Jun 09	Jun 08	Jun 09
Therapeutic	18	21	36*	42*	113	131	314%	312%
Non	35	31	140	124	229	204	164%	165%
Totals	53	52	176	166	342	335	194%	202%
+/- Change		-1				-7		
% Change		-1.9%				-2.1%		

* This number assumes that the maximum of two children may be placed in these homes.

NOTE: Since the release of *A Breach of Trust*, the Ministry of Social Services has developed a centralized process of reporting the number of overcrowded foster homes for all of its regions. Using this new method, the total number of overcrowded foster homes reported as of June 2008, (the benchmark date of the original report statistics) was found by the Ministry to be in error. The Ministry has now issued new statistics for the end of June 2008, which are now used by the Children's Advocate Office for comparison purposes above.

A.2.3 Other Regions

Table 7: NORTHEAST REGION Maximum Number of Placements Available vs. Number Placed

Type of Foster Home	Number of Overcrowded Homes		Maximum Number of Placements		Number of Children Placed		Per Cent of Capacity	
	Jun 08	Jun 09	Jun 08	Jun 09	Jun 08	Jun 09	Jun 08	Jun 09
Therapeutic	7	9	14*	18*	24	33	171%	183%
Non	31	19	124	76	192	121	155%	159%
Totals	38	28	138	94	216	154	157%	164%
+/- Change		-10				-62		
% Change		-35.7%				-40.3%		

* This number assumes that the maximum of two children may be placed in these homes.

Table 8: NORTHWEST REGION Maximum Number of Placements Available vs. Number Placed

Type of Foster Home	Number of Overcrowded Homes		Maximum Number of Placements		Number of Children Placed		Per Cent of Capacity	
	Jun 08	Jun 09	Jun 08	Jun 09	Jun 08	Jun 09	Jun 08	Jun 09
Therapeutic	0	0	0	0	0	0	N/A	N/A
Non	2	4	8	16	13	23	163%	144%
Totals	2	4	8	16	13	23	163%	144%
+/- Change		2				10		
% Change		50.0%				43.5%		

Table 9: SOUTHEAST REGION Maximum Number of Placements Available vs. Number Placed

Type of Foster Home	Number of Overcrowded Homes		Maximum Number of Placements		Number of Children Placed		Per Cent of Capacity	
	Jun 08	Jun 09	Jun 08	Jun 09	Jun 08	Jun 09	Jun 08	Jun 09
Therapeutic	0	0	0	0	0	0	N/A	N/A
Non	3	4	12	16	15	20	125%	125%
Totals	3	4	12	16	15	20	125%	125%
+/- Change		1				5		
% Change		25.0%				25.0%		

Table 10: SOUTHWEST REGION Maximum Number of Placements Available vs. Number Placed

Type of Foster Home	Number of Overcrowded Homes		Maximum Number of Placements		Number of Children Placed		Per Cent of Capacity	
	Jun 08	Jun 09	Jun 08	Jun 09	Jun 08	Jun 09	Jun 08	Jun 09
Therapeutic	2	0	4	0	9	0	225%	N/A
Non	50	47	200	188	326	305	163%	162%
Totals	52	47	204	188	335	305	164%	162%
+/- Change		-5				-30		
% Change		-10.6%				-9.8%		

APPENDIX B: Funding Announcements

B.1 New Capital Funding Announced

MINISTRY OF SOCIAL SERVICES 2009-10 BUDGET ANNOUNCEMENT: $9.2 million in new capital funding to expand alternate space capacity, including group home development with community partners.

Regina

$200,000	YWCA	To provide 12 emergency receiving spaces for children aged 0-12.
$20,000	John Howard Society (Robert's Place)	To furnish a five bedroom peer home for youth aged 12-15. Capital funding of $326,525 was provided by the federal government.

Saskatoon

$2,000,000	Eagle's Nest Youth Ranch	To purchase property, furnishings and equipment to provide 20 new residential placement spaces for at-risk youth (11 short-term emergency receiving beds and nine assessment and stabilization beds) available in June 2009.
$600,000	EGADZ	To purchase property, furnishing and equipment to provide 20 new residential placement spaces by early fall 2009.
$200,000	John Howard Society	To purchase property, furnishings and equipment to provide 20 new residential placement spaces by early fall 2009.

Prince Albert

$300,000	YWCA	To purchase property, furnishings and equipment to provide 10 new residential placement spaces for youth aged 16 -21.
$350,000	Rising Stars Children's Ranch	To purchase property, furnishings and equipment to provide 10 new residential placement spaces for youth aged 6 -12.

B.2 New Operating Funding Announced

MINISTRY OF SOCIAL SERVICES 2009-10 BUDGET ANNOUNCEMENT: $15.7 million in new funding to support a variety of new initiatives.

Regina		
TBD	YWCA	Annual operating funding for 12 emergency receiving spaces for children aged 0-12.
$300,000	John Howard Society (Robert's Place)	Annual operating funding for five bedroom peer home for youth aged 12-15.
Saskatoon		
$2,000,000	Eagle's Nest Youth Ranch	Annual operating funding for 20 new residential placement spaces for at-risk youth.
TBD	EGADZ	Annual operating funding for 20 new residential placement spaces.
TBD	John Howard Society	Annual operating funding for 20 new residential placement spaces.
Prince Albert		
TBD	YWCA	Annual operating funding for 10 new residential placement spaces for youth aged 16 -21.
TBD	Rising Stars Children's Ranch	Annual operating funding for 10 new residential placement spaces for youth aged 6 -12.
Province-wide		
N/A	Family Finders Program	To partner with First Nations and Aboriginal groups to develop program.
$341,000	Foster Families Association	To move to new office space with room for additional staff, training facilities and a resource centre; ongoing operating funding for two pilot projects initiated in 2008, 1-800 number for potential foster parents and new Aboriginal Foster Family Recruitment Coordinator. Plus $150,000 for promotional activities.
$252,570	Group Home Food Allowances	Incremental funding provided to residential service providers to raise the food per diem from an average of $5.00 to a standard rate of $9.00 per day.

APPENDIX C: Recommendation Tracking

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
09-14114 That the Ministry of Social Services report to the Children's Advocate on a biannual basis (every June 30th and December 31st) its progress, including results of quality improvement and accountability measures undertaken by the Ministry, regarding each and every recommendation contained in this report, so as to facilitate public reporting by the Children's Advocate Office.	**Position:** Accept The Ministry will provide semi-annual updates to the Children's Advocate Office regarding each recommendation beginning July 1, 2009.	**Status:** Active The Ministry of Social Services has committed to provide biannual updates as recommended. **Action required:** The Children's Advocate Office will consider adequate action taken upon receipt of biannual updates until such time as all 45 recommendations have been closed.
09-14115 That the Ministry of Social Services immediately cease the practice of placing children in the care of the Minister in foster homes, where the existing complement of children exceeds the maximum defined in Ministry policies of four for any foster home, or two for therapeutic foster homes, unless it is acting in compliance with the prescribed exceptions and approval processes, as set out in Ministry policy.	**Position:** Accept Ministry policy requires Regional Directors or their designates to approve placements that exceed the maximum of four. The system developed to track approvals is cumbersome to use and required manual data entry to record placements. Work is underway to implement a system in the Fall 2009 to provide better tracking and management of data related to the foster care program and over maximums approval. An automated data feed has been developed which will eliminate the need for manual entry. Automated workflows and email notifications will facilitate approvals and comprehensive management reporting when available.	**Status:** Closed: discontinued. The Ministry of Social Services has indicated that it has a policy that requires Regional Directors or their designates to approve placements in foster homes that exceed the maximum of four. The Ministry applies this policy to both therapeutic and regular foster homes. This Ministry of Social Services practice leaves a gap in the cases of therapeutic foster homes, where policy limits the number of children placed in those homes to a maximum of two and in some cases only one. Currently, therapeutic foster homes with three or four children placed in them do not require approval from Regional Directors or their designates even though these homes do exceed the policy limits of one or two placements and are therefore considered to be overcrowded by the Children's Advocate Office. This recommendation was intended to draw attention to this gap in monitoring and approving overcrowding in therapeutic homes, which the Children's Advocate Office feels is a significant issue given the special needs and risk considerations found In that type of foster home. Through further discussion with the Ministry of Social Services, the Children's Advocate Office now recognizes that the recommendation should have focused on changing the policy. As such, the Children's Advocate Office has chosen to discontinue this current recommendation, and will monitor the Ministry's compliance with their existing policy regarding exceeding maximum numbers of placements and will continue to assess the need for a recommendation to address situations when more than two children are placed in therapeutic homes through future advocacy and investigations conducted by this Office.

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
09-14116 That the Ministry of Social Services, Saskatoon Service Centre, immediately initiate a review, assessment and development of a management plan and funding proposal, to be submitted to the Ministry of Social Services by March 31, 2009, that would address the immediate needs of the foster care system to remedy and relieve by June 30, 2009, the existing cases of inappropriate placements of children in overcrowded foster homes in the Saskatoon Centre area.	**Position:** Do not accept Centre Region's resource requirements are assessed and reviewed annually through the Ministry's budget development process. Budget requests are submitted to Treasury Board in the fall of each year for the upcoming fiscal year. The 2009/10 budget proposal requested a significant investment in child welfare. This investment was approved in March 2009 and a large portion of this increase is being directed to Centre Region. The ministry believes that the semi-annual progress reports provided to the Children's Adocate Office will demonstrate on-going progress is being made in this area.	**Status:** Closed; adequate action taken. The Ministry of Social Services has indicated that an assessment and review of the needs of the child welfare system is completed on an annual basis as part of the Ministry's budgeting process. Most recently, the 2009/10 budget proposal resulted in a significant investment in child welfare achieving the immediate attention to the child welfare system that this recommendation intended to achieve. The Ministry's prompt response to providing a significant investment into the child welfare system addresses the intent of this recommendation. The Children's Adocate Office has closed this recommendation noting that adequate action has been taken. The Children's Adocate Office will continue to monitor the Ministry's on-going progress towards remedying foster home overcrowding through the Office's advocacy and investigation services.
09-14117 That the Ministry of Social Services, upon receipt of the requisite funding proposal, allocate sufficient financial resources to the Saskatoon Service Centre by April 15, 2009, to remedy and relieve by June 30, 2009, the existing cases of inappropriate placements of children in overcrowded foster homes in the Saskatoon Service Centre area.	**Position:** Do not accept Since February, the Ministry has added 20 new residential spaces for children in care in Saskatoon (Eagle's Nest) and has also added the capacity to support 27 families as their children transition out of care or to prevent placement of children in care. Funding has also been approved to develop an additional six Peer Homes in Saskatoon to support youth in care. The ministry believes that the semi-annual progress reports provided to the Children's Adocate Office will demonstrate that on-going progress is being made in this area.	**Status:** Closed; adequate action taken. The Ministry of Social Services' development of new residential spaces demonstrates that the Ministry has provided immediate attention to the resource shortage in the Saskatoon Service Centre that this recommendation intended to achieve. The Children's Advocate Office acknowledges that adequate resource capacity will take time to develop, but with this initial injection of funding and on-going commitment to addressing resource needs in the Region, children and youth will benefit and we will see further reduction in the numbers of overcrowded foster homes. The Children's Advocate Office has closed this recommendation noting that adequate action has been taken. The Children's Advocate Office will continue to monitor the Ministry's on-going progress towards remedying foster home overcrowding through its advocacy and investigation services.

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
09-14118 That the Ministry of Social Services managers in the Saskatoon Service Centre immediately commence the process of reviewing the case plans and status of each child residing in overcrowded foster homes in the Saskatoon Service Centre area, including if appropriate, interviews with those children.	**Position:** Accept In January 2009 a dedicated staff was assigned to complete the reviews using a template developed for this purpose. The template included information such as name and age of the child, legal status, health and developmental information (including information on any special needs of the child) as well as information on the current placement and case plan. The ministry acknowledges the need to conduct comprehensive case plan reviews on all children in foster homes that have more than four placements. The central CFS Quality Management team will be assigned to lead this process, which will include interviews with children if deemed appropriate.	**Status:** Active A review conducted in response to the release of *A Breach of Trust* from January to March 2009, focused on foster homes with more than four children placed in them and reviewed the physical accommodations in relation to fire safety. A related review focused on the case files of children and youth placed in foster homes with more than four children or youth residing. These reviews did not meet the intent of the recommendation as they did not include reviews of overcrowded therapeutic foster homes with more than two children or youth placed in them, they did not connect the file review with the home visit, and no interviews with children or youth were conducted. In August 2009, the Ministry of Social Services intiated another review of case files for children and youth living in overcrowded foster homes. This work includes an audit by the centralized Quality Management Unit. **Action required:** The Children's Advocate Office will consider adequate action to be taken on this recommendation upon confirmation that a review of the case plans and status of each child residing in an overcrowded foster home has occurred in the Saskatoon Service Centre area, including if appropriate, interviews with those children.

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
09-14119 That Ministry of Social Services managers in the Saskatoon Service Centre, upon completion of any interviews, and review of the case plans and status, of each child residing in overcrowded foster homes in the Saskatoon Service Centre area, determine appropriate placement matching and foster care resourcing, so that by June 30, 2009: • Suitable caregiver supervision relative to the assessed needs of the individual child in the care of the Minister is provided. • Protection from further risk of physical, sexual, psychological and/or emotional harm to the child in the care of the Minister is provided. • Consideration is given to the age, gender, and physical, psychological, emotional, educational, cultural and/or spiritual needs and development of the child in the care of the Minister, so as to meet or exceed his or her best interests.	**Position:** Do not accept At the time of placement, planning for these children took into consideration the suitability of the placement, safety issues and factors related to the best interest of the child. However, the Ministry will be reviewing the case plans and status for all children currently placed in foster homes with more than four children to ensure that the current placement is the most appropriate placement match given the out-of-home resources available.	**Status:** Closed; adequate action taken. The Ministry response has identified actions that they have taken towards implementing this recommendation. Further, the Ministry response to this recommendation has identified a future commitment to additional reviews to ensure that the current placement is the most appropriate placement available. The Children's Advocate Office has closed this recommendation noting that adequate action has been taken. The Children's Advocate Office will continue to monitor the Ministry's on-going progress towards remedying foster home overcrowding through the Office's advocacy and investigation services.

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
09-14120 That the Ministry of Social Services work in partnership with the Saskatchewan Foster Families Association to immediately develop and implement a short-term action plan by June 30, 2009, and a long-term action plan by December 31, 2009, regarding the recruitment and retention of foster homes in Saskatchewan.	**Position:** Accept In the past few months, the Ministry and Saskatchewan Foster Families Association (SFFA) have developed a short term action plan which includes: • provision of additional funding for the SFFA to staff one position responsible for the provincial 1-800 inquiry number to coordinate and support inquiries from people interested in fostering as well as to support Parent Resources for Implementation, Development and Education (PRIDE) implementation; • provision of additional funding for the SFFA to expand recruitment efforts including an additional $150,000 for promotional activities (i.e. advertising campaign); • provision of additional funding for the SFFA to hire a dedicated foster home recruitment specialist to attract Aboriginal families; • provision of increased annual funding to the SFFA to expand their office space to allow room for additional staff, training accommodations and a resource center; • initiation of a referral program to engage foster families to attract other foster caregivers; and • initiation of a payment plan to compensate caregivers for completion of PRIDE training. Longer term initiatives in the planning stages include: • simplifying the claims process related to damage to a foster parent's home; • improved respite and mentoring programs for foster parents; and • joint SFFA and MSS provincial recruitment campaign to attract new foster families.	**Status:** Active The Ministry of Social Services has provided short-term and long-term action plans as recommended regarding recruitment and retention of foster parents. The development portion of this recommendation has been completed. The second component of this recommendation was the implementation of the short-term and long-term action plans. Children's Advocate Office interviews with the Saskatchewan Foster Families Association and foster parents indicated that the Ministry has yet to implement significant portions of the action steps. **Action required:** The Children's Advocate Office will consider adequate action to be taken on this recommendation upon confirmation of implementation of the short-term and long-term action plans.
09-14121 That the Ministry of Social Services, as part of the development of short and long-term action plans to recruit and retain foster homes, conduct a thorough review and assessment of the responses by other Canadian jurisdictions to increasing numbers of children coming into provincial care, and any recruitment campaigns and retention strategies developed as a result.	**Position:** Accept The Ministry has conducted inter-jurisdictional research in a number of child welfare programs including the prevention model developed by Alberta and the "Mockingbird" respite/ mentorship model for foster parents. The Ministry will continue to review and assess best practices and implement them as appropriate as we move forward.	**Status:** Closed; adequate action taken. The Ministry of Social Services has indicated that it has conducted research in response to this recommendation and provided the short and long-term action plans to recruit and retain foster parents in response to recommendation 09-14120.

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
09-14122 That the Ministry of Social Services works in partnership with the Saskatchewan Foster Families Association to develop frequent and consistent feedback and mediation mechanisms for foster parents and Ministry personnel.	**Position:** Do not accept The Ministry and the Saskatchewan Foster Families Association (SFFA), who serves as the advocacy body for all Ministry-approved foster parents, have examined the feedback and mediation processes currently In place and are convinced that they are sufficient to meet the needs of foster parents and that additional processes are not required. The Ministry will ensure that all staff are made aware of the processes in place and will be providing In-service training on this topic before March 31, 2010.	**Status:** Closed; adequate action taken The Children's Advocate Office is satisfied that the Ministry of Social Services response is informed by consultations with the Saskatchewan Foster Families Association and that the joint assessment that current systems in place and in-service training on this topic sufficiently address the recommendation.
09-14123 That the Ministry of Social Services define in policy the role and responsibilities of foster parents as articulated in its PRIDE (Parent Resources for Information Development and Education) training as a professional team member responsible for the case management of all children placed in its care.	**Position:** Do not accept One of the five competencies outlined in PRIDE defines the roles and responsibilities of foster parents as members of a professional team. The PRIDE training provided to all staff highlights the importance of this working relationship.	Status: Closed; discontinued. In February 2009, the Ministry of Social Services announced that it would, "...implement a series of changes to policy that would enhance the role of foster families in case planning for children in their care." The current Ministry of Social Services response indicates that it does not accept this recommendation. Although the Children's Advocate Office is discontinuing this recommendation, we would encourage the Ministry to explore opportunities to put into policy and practice mechanisms for foster parents to provide input into the case planning for the children and youth in their care.

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
09-14124 That the Ministry of Social Services immediately enforce practices that comply with the existing information management policies addressing the collection, use, access to, disclosure and retention of legal, personal, historical and placement information regarding every child in the care of the Minister.	**Position:** Do not accept The Ministry cites in policy the instances in which Ministry staff are to share relevant information with caregivers following placement of a child to their care. This includes reference to a standardized Caregiver Information form (CSM; 12.4). Wording changes will be made to this policy directing staff that the use of this form is a mandatory requirement during or immediately following placement of a child with a caregiver. The Ministry will be improving its overall information management capacity through the implementation of an automated case management system. The Ministry is implementing a new organizational structure on October 1, 2009 that will enhance accountability and oversight by providing a direct link between policy and practice. It is management's role to support all staff in following the Ministry's policies and procedures. Management will be reminded of their responsibility to provide proper oversight and supervision to all supervisors and caseworkers. The Ministry is obligated to abide by government's established human resource policies and procedures to address work-related performance issues with staff.	**Status:** Closed; adequate action taken. The Ministry of Social Services has referenced a future IT system that may assist with enforcing and monitoring compliance with future information management policies as well as organizational changes to enforce practice compliance with Ministry policy. The Children's Advocate Office will continue to monitor the Ministry of Social Services on-going compliance with provincial policy through the Office's advocacy and investigation services.

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
09-14125 That the Ministry of Social Services immediately conduct mandatory education and performance management for Ministry personnel whose job duties include the collection, use, access to, disclosure and retention of legal, personal, historical and placement information regarding every child in the care of the Minister.	**Position:** Accept The Ministry cites in policy the instances in which Ministry staff are to share relevant information with caregivers following placement of a child to their care. This includes reference to a standardized Caregiver Information form (CSM; 12.4). Wording changes will be made to this policy directing staff that the use of this form is a mandatory requirement during or immediately following placement of a child with a caregiver. A communication has gone out to regional management advising of the policy change. In addition, the Ministry's training curriculum will be updated to ensure that Ministry staff are aware of the importance of sharing information with foster parents. The Ministry is implementing a new organizational structure on October 1, 2009 that will enhance accountability and oversight by providing a direct link between policy and practice. It is management's role to support all staff in following the Ministry's policies and procedures. Management will be reminded of their responsibility to provide proper oversight and supervision to all supervisors and caseworkers. The Ministry is obligated to abide by government's established human resource policies and procedures to address work-related performance issues with staff.	**Status:** Active The Ministry of Social Services has addressed both the education and performance management components of this recommendation. **Action required:** The Children's Advocate Office will consider adequate action to be taken on this recommendation upon receipt of a copy of the educational materials that will be provided to staff and a training schedule. The Children's Advocate Office will continue to monitor the Ministry of Social Services on-going compliance with provincial policy through the Office's advocacy and investigation services.
09-14126 That the Ministry of Social Services develop and implement a mandatory single information management system to be fully operational by January 1, 2010, with appropriate components to address the collection, use, access to, disclosure and retention of legal, personal, historical and placement information regarding every child and youth in the care of the Minister, including specifically, but not limited to, children who are residing in foster homes under the care of Persons of Sufficient Interest or alternate caregivers, and children who are residing under the delegated authority of Saskatchewan's First Nations child and family services agencies.	**Position:** Partially accept; Cannot meet January 1, 2010 deadline The Ministry is proceeding with the acquisition and implementation of a case management system for Child and Family Services. Discussions continue to occur with First Nations Agencies (FNAs) to seek voluntary adoption of the new system across the province.	**Status:** Active The Ministry of Social Services commitment to discuss voluntary adoption of the new system by First Nations child and family services agencies does not meet the intent of this recommendation. While First Nations child and family services agencies should be consulted on the development and implementation of a system, and provided training and financial supports to use the system, the Children's Advocate Office has significant concerns regarding the impact that a voluntary system will have on the safety and well being of the children and youth it serves. **Action required:** The Children's Advocate Office will consider adequate action taken on this recommendation at such time as the Ministry of Social Services and all of its delegated authorities are using a single information management system to serve the children and youth of Saskatchewan.

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
09-14127 That the Ministry of Social Services create a Special Committee on Information Management, to include representation from the Ministry of Social Services, current/former youth in care, the Federation of Saskatchewan Indian Nations, the Métis Nation-Saskatchewan, the Saskatchewan Children's Advocate Office, and other relevant participants, to identify the necessary information that ought to be collected, used, accessed, disclosed and retained as part of its new information management system.	**Position:** Do not accept The Ministry has a comprehensive stakeholder consultation and communications plan that has been developed using the best practices and principles outlined in the Project Management Book of Knowledge (PMBOK). A number of stakeholders have been engaged to provide input into the system requirements and further consultations will occur over the next two years as implementation progresses. Groups or stakeholders for which consultation have taken place or are planned include: the Children's Advocate Office, the Office of the Privacy Commissioner, First Nations Child and Family Agencies, the Saskatchewan First Nations Institute, the Saskatchewan Youth in Care and Custody Network, the Saskatchewan Foster Families Association and the Ministries of Corrections and Public Safety and Education.	**Status:** Active While the Ministry of Social Services may be or will be consulting with stakeholders, the intent of this recommendation was also to have these consultations done at a common table. The Ministry is not creating a Special Committee, which will permit optimal transparency and accountability in the process to ensure the issues, concerns or recommendations of each stakeholder are discussed, debated and potentially included in the final system. **Action required:** The Children's Advocate Office will consider adequate action taken on this recommendation at such time as the Ministry of Social Services convenes a Special Committee on Information Management.
09-14128 That the Ministry of Social Services create a Special Committee on Foster Care and Permanency Planning, to include representation from the Ministry of Social Services, current and former youth in care, the Federation of Saskatchewan Indian Nations, the Métis Nation-Saskatchewan, the Saskatchewan Children's Advocate Office, and other relevant participants, to address the development and implementation of a plan that would focus on creating a safe and nurturing foster care system dedicated to promoting the best interests of children in foster care and to expanding the range of permanency options for both alternative out-of-care and in-care placements, so as to reduce the increasing compression in foster care, while producing better and sustainable outcomes for these vulnerable children.	**Position:** Do not accept The Ministry agrees with the need to create a safe and nurturing foster care system dedicated to promoting the best interests of children in foster care and to expand the range of permanency options for both alternative out-of-care and in-care placements. Accordingly, the Ministry has developed a joint work plan with the Saskatchewan Foster Families Association (SFFA) focusing on enhancing the existing foster care system, has created opportunities for Ministry and FN agency staff to collaborate and work through the challenges associated with join planning for children and has placed an Increased emphasis on permanency planning by creating dedicated permanency planner positions.	**Status:** Active While the Ministry of Social Services may be or will be consulting with stakeholders, the intent of this recommendation was also to have these consultations done at a common table. The Ministry is not creating a Special Committee, which will permit optimal transparency and accountability in the process to ensure the issues, concerns or recommendations of each stakeholder are discussed, debated and potentially included the development of the continuum of care relating to permanency planning. The Ministry's response does not meet the intent of this recommendation given its limited focus and independent involvement of two groups of stakeholders. The Children's Advocate Office is concerned that this patchwork approach to permanency planning will not achieve the continuum of permanency planning options that children and youth in Saskatchewan need in order to produce better and sustainable outcomes for these vulnerable citizens. **Action required:** The Children's Advocate Office will consider adequate action to be taken on this recommendation at such time as the Ministry of Social Services convenes a Special Committee on Foster Care and Permanency Planning.

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
09-14129 That the Ministry of Social Services immediately enforce practices that comply with existing Ministry assessment and placement matching policies for children in the care of the Minister and foster homes.	**Position:** Do not accept The Ministry recognizes the need to match children who require out-of-home care with placements that best meet their emotional, educational, physical and psychological needs. The Ministry is prioritizing residential space development in order to ensure that appropriate placements are available when children need them. The Ministry's PRIDE model for foster parent training allows for specialized training for foster parents who decide to accept more challenging placements. The Ministry is currently developing a "placement matching tool" which will assist in the matching of children in the larger continuum of care. Although this will primarily impact placement of older children and assessment of risk to self and others, it will have relevance and impact on our foster care system. Once this tool is finalized, education and support sessions will be provided to Ministry staff on the administration of this tool. Target date for implementation is spring 2010. The Ministry will be improving its overall information management capacity through the implementation of an automated case management system. The Ministry is implementing a new organization structure on October 1, 2009 that will enhance accountability and oversight by providing a direct link between policy and practice. It is management's role to support all staff in following the Ministry's policies and procedures. Management will be reminded of their responsibility to provide proper oversight and supervision to all supervisors and caseworkers. The Ministry is obligated to abide by government's established human resource policies and procedures to address work-related performance issues with staff.	**Status:** Closed; adequate action taken. The Ministry of Social Services has identified the importance of matching and resource development as well as organizational changes and reminders that have been put into place to ensure compliance with policy requirements. The Children's Advocate Office will continue to monitor the Ministry of Social Services on-going compliance with provincial policy through the Office's advocacy and investigation services.

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
09-14130 That the Ministry of Social Services immediately conduct mandatory education and performance management for Ministry personnel whose job duties include the assessment and placement matching for children in the care of the Minister and foster homes.	**Position:** Accept The Ministry is currently developing a "placement matching tool" which will assist in the matching of children in the larger continuum of care. Although this will primarily impact placement of older children and assessment of risk to self and others, it will have relevance and impact on our foster care system. Once this tool is finalized, education and support sessions will be provided to Ministry staff on the administration of this tool. Target date for implementation is spring 2010. The Ministry is implementing a new organization structure on October 1, 2009 that will enhance accountability and oversight by providing a direct link between policy and practice. It is management's role to support all staff in following the Ministry's policies and procedures. Management will be reminded of their responsibility to provide proper oversight and supervision to all supervisors and caseworkers. The Ministry is obligated to abide by government's established human resource policies and procedures to address work-related performance issues with staff.	**Status:** Active The Ministry of Social Services has addressed both the education and performance management components of this recommendation. **Action required:** The Children's Advocate Office will consider adequate action taken on this recommendation upon receipt of a copy of the educational materials that will be provided to Ministry of Social Services staff, and a training schedule.
09-14131 That the Ministry of Social Services immediately enforce practices that comply with existing Ministry policy requirements for physical accommodations in foster homes.	**Position:** Partially Accept The Ministry's current policy references the "Residential Care Services - A Building, Health and Safety Reference Guide". This document was intended to be used as a reference guide and is located in the Children's Services Manual (Chapter 13, Reference Manual). In 1997 a working group, comprised of representatives from Municipal Affairs, Culture and Housing, Social Services, Justice and Health developed the guide which was intended to be a tool to assist Ministries when developing or amending regulations or policies respecting building, health and safety requirements associated with residential care services. In recent months the Ministry has been in consultation with other care-giving programs (i.e. CLD, Housing), other Ministries (CPSP) and key stakeholders (SFFA, fire officials) in order to update and enhance this policy given the fact that the current 1997 reference guide is considered to be outdated. Once finalized, the new policy and standards will be incorporated into the Ministry's training model. The Ministry audits compliance with this policy through its on-going qualitative file audits and will be able to provide information relating to performance in this area.	**Status:** Active The Ministry of Social Services has assured the Children's Advocate office that the current review and changes that will be made to this policy will not lessen safety standards in foster homes. **Action required:** The Children's Advocate Office will consider adequate action taken on this recommendation upon receipt of updated policy that either maintains or enhances safety standards in foster homes in addition to compliance audit information from the Ministry demonstrating practice compliance with same.

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
09-14132 That the Ministry of Social Services immediately conduct mandatory education and performance management for Ministry personnel whose job duties include the assessment and enforcement of physical accommodations in foster homes.	**Position:** Accept The current policy referencing physical accommodations in foster homes is currently under revision. Once finalized, the new policy and standards will be incorporated into the Ministry's training model. The Ministry has implemented a new organization structure in October 2009 that will enhance accountability and oversight by providing a direct link between policy and practice. It is management's role to support all staff in following the Ministry's policies and procedures. Management will be reminded of their responsibility to provide proper oversight and supervision to all supervisors and caseworkers. The Ministry is obligated to abide by government's established human resource policies and procedures to address work-related performance issues with staff.	**Status:** Active The Ministry of Social Services has addressed both the education and performance management components of this recommendation. **Action required:** The Children's Advocate Office will consider adequate action to be taken on this recommendation upon receipt of a copy of the revised policy, training materials that will be provided to Ministry of Social Services staff and training schedule.
09-14133 That the Ministry of Social Services immediately modify Ministry policy to explicitly expand the definition of "serious case incidents," so as to be inclusive of child-on-child violence, child-on-caregiver violence and caregiver-on-child violence.	**Position:** Accept The current policy referencing serious case incidents is intended to include child-on-child violence, child-on-caregiver violence and caregiver-on-child violence. However, the Ministry will clarify the wording of the policy for all Child and Family Services (CFS) staff. Additionally, a letter was sent to all foster parents reminding them of their obligation to report such incidents to their worker. Clarification of the policy and a reminder about foster parents' responsibilities to report serious case incidents is to be published in the upcoming edition of the Saskatchewan Foster Families Association (SFFA) provincial newsletter.	**Status:** Active The Ministry of Social Services has indicated that it will clarify its definition of "serious case incidents" in the applicable policy. **Action required:** The Children's Advocate Office will consider adequate action taken on this recommendation upon receipt of the revised policy.
09-14134 That the Ministry of Social Services immediately enforce practices that comply with the modified Ministry serious case incident reporting and investigation policies.	**Position:** Accept All Child and Family Services (CFS) staff have been re-advised of their obligation to report such incidents to their Regional Director pursuant to the tracking and reporting guidelines as outlined in policy (Children's Services Manual, 11.5.1). The Ministry will be expanding its qualitative audits to included reviews of serious case incident reporting and follow-up.	**Status:** Active The Ministry of Social Services response is a first step towards ensuring compliance with a plan to address the enforcement issue and ensure accountability as recommended. **Action required:** The Children's Advocate Office will consider adequate action taken on this recommendation upon receipt of compliance audit information from the Ministry of Social Services demonstrating practice compliance with provincial policy.

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
09-14135 That the Ministry of Social Services immediately conduct mandatory education and performance management for Ministry personnel whose job duties include serious case incident reporting and investigations.	**Position:** Accept The Ministry is implementing a new organization structure on October 1, 2009 that will enhance accountability and oversight by providing a direct link between policy and practice. It is management's role to support all staff in following the Ministry's policies and procedures. Management will be reminded of their responsibility to provide proper oversight and supervision to all supervisors and caseworkers. The Ministry is obligated to abide by government's established human resource policies and procedures to address work-related performance issues with staff.	**Status:** Active The Ministry of Social Services has addressed the performance management component of this recommendation. Clarification is being sought with respect to the Ministry's plan to provide the mandatory education as recommended. **Action required:** The Children's Advocate Office will consider adequate action to be taken on this recommendation upon receipt of a copy of the educational materials that will be provided to Ministry of Social Services staff and a training schedule.
09-14136 That the Ministry of Social Services utilize its modified information management system to track and investigate serious case incidents.	**Position:** Accept The new case management tool will have the ability to collect and report on information related to serious case incidents related to children in care.	**Status:** Active The Ministry of Social Services response provides a method by which they intend to implement this recommendation. **Action required:** The Children's Advocate Office will consider adequate action to be taken on this recommendation at such time as the new information management system is put into operation and confirmation is provided that it is tracking serious case incidents.
09-14137 That the Ministry of Social Services provide children and/or foster parents with appropriate levels of service and support to address physical, sexual, psychological and/or emotional harm suffered as a result of serious case incidents, once investigated.	**Position:** Accept The Ministry will continue to reinforce with regional staff the current policy which requires the completion of a needs assessment for supports and services following serious case incidents. The Ministry will be expanding its qualitative audit to include reviews of serious case incident reporting and follow up.	**Status:** Active The Ministry of Social Services has indicated an acceptance of the recommendation and plans to advise staff of policy related obligations while monitoring policy compliance with reporting and follow-up. **Action required:** The Children's Advocate Office will consider adequate action taken on this recommendation at such time as the Ministry of Social Services demonstrates that a system has been developed and implemented, and Ministry audits report that the appropriate levels of service is provide in response to serious case incidents as recommended. A determination of adequate action taken will be measured based on information provided by the Ministry in addition to collateral information from the Saskatchewan Foster Family Association and foster parents.
09-14138 That the Ministry of Social Services immediately develop and implement a policy that requires the Ministry to advise the parent(s) when their child has been involved in a serious case incident, except where the child is a permanent ward of the Minister.	**Position:** Accept Current policy addresses this issue. A reminder has been sent to all staff regarding their responsibilities under this policy. A reminder will also be sent, prior to the end of August 2009, to all foster parents about their obligation to report such incidents to their worker.	**Status:** Closed; discontinued. The Ministry of Social Services policy is in place as recommended. The Children's Advocate Office encourages the Ministry to ensure ongoing training is provided to staff regarding this policy and the expected practice.

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
09-14139 That the Ministry of Social Services immediately conduct mandatory education for all Ministry personnel on the rights of children under the United Nations *Convention on the Rights of the Child* and the obligation of the Province as a signatory to this document.	**Position:** Accept The ministry will develop educational material on the United Nations *Convention on the Rights of the Child* and the obligation of the Province as a signatory to this document.. This material will be reviewed with all child welfare managers and staff.	**Status:** Active The Ministry of Social Services has addressed the education component of this recommendation. **Action required:** The Children's Advocate Office will consider adequate action to be taken on this recommendation upon receipt of a copy of the educational materials that will be provided to Ministry of Social Services staff and a training schedule.
09-14140 That the Government of Saskatchewan develop a well-articulated and integrated Vision and Action Plan for children and youth, which places the interests of children and youth first.	**Position:** Accept In addition to a review of *The Child and Family Services Act*, the ministry will be conducting a broader review of prevention, child welfare and adoption services designed to support children and families. The results of this review will Inform the development of new legislation, policies and programs to support children and families in Saskatchewan.	**Status:** Active The Ministry of Social Services has not indicated whether the Government of Saskatchewan intends to develop a Vision or Action Plan for children and youth. The Children's Advocate Office does not see how this recommendation is part of the planned review of *The Child and Family Services Act*. **Action required:** The Children's Advocate Office will consider adequate action to be taken on this recommendation at such time as the Government of Saskatchewan provides the Office with a well-articulated and integrated vision and action plan for children and youth, which places the interests of children and youth first.
09-14141 That the Government of Saskatchewan include references to both children and youth in the vision and core principles of the *Children and Youth First* Action Plan.	**Position:** Defer The Government of Saskatchewan has adopted the *Children and Youth First* Principles as formulated by the Children's Advocate. These principles will act as a guide in examining policy and legislation and in developing and implementing both policy and legislative changes.	**Status:** Active The Ministry of Social Services has indicated that this recommendation has been deferred until it is considered as part of the planned review of *The Child and Family Services Act*. **Action required:** The Children's Advocate Office will consider adequate action to be taken on this recommendation when the Ministry of Social Services includes references to both children and youth in the vision and core principles of the *Children and Youth First* Action Plan.
09-14142 That the Government of Saskatchewan endorse all eight *Children and Youth First* Principles, as identified by the Saskatchewan Children's Advocate Office, which will anchor this new vision.	**Position:** Accept The Government of Saskatchewan has adopted the *Children and Youth First* Principles as formulated by the Children's Advocate. These principles will act as a guide in examining policy and legislation and in developing and implementing both policy and legislative changes.	**Status:** Closed; adequate action taken The Children's Advocate Office is closing this recommendation as accepted and noting that adequate action has been taken.

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
09-14143 That the Ministry of Social Services immediately incorporate in *The Child and Family Services Act*, as well as in policy and practice, the Saskatchewan Children's Advocate Office *Children and Youth First* Principles that all children and youth in Saskatchewan are entitled to: • Those rights defined by the United Nations *Convention on the Rights of the Child*. • Participate and be heard before any decision affecting them is made. • Have their 'best interests' given paramount consideration in any action or decision involving them. • An equal standard of care, protection and services. • The highest standard of health and education possible in order to reach their fullest potential. • Safety and protection from all forms of physical, emotional and sexual harm while in the care of parents, governments, legal guardians or any person. • Be treated as the primary client, and at the centre, of all child-serving systems. • Have consideration given to the importance of their unique life history and spiritual traditions and practices, in accordance with their stated views and preferences.	**Position:** Defer In addition to a review of *The Child and Family Services Act*, the ministry will be conducting a broader review of prevention, child welfare and adoption services designed to support children and families. The results of this review will inform the development of new legislation, policies and programs to support children and families in Saskatchewan.	**Status:** Active The Ministry of Social Services has indicated that this recommendation has been deferred until it is considered as part of the planned review of *The Child and Family Services Act*. **Action required:** The Children's Advocate Office will consider adequate action taken on this recommendation when the Ministry of Social Services introduces the proposed amendment into *The Child and Family Services Act*.
09-14144 That the Minister of Social Services immediately introduce proposed amendments to regulations that create an accountability framework for the licensing of foster homes that include stipulations regarding physical accommodations and the maximum number of children to be placed in each type of licensed home.	**Position:** Defer In addition to a review of *The Child and Family Services Act*, the ministry will be conducting a broader review of prevention, child welfare and adoption services designed to support children and families. The results of this review will inform the development of new legislation, policies and programs to support children and families in Saskatchewan.	**Status:** Active The Ministry of Social Services has indicated that this recommendation has been deferred until it is considered as part of the planned review of *The Child and Family Services Act*. **Action required:** The Children's Advocate Office will consider adequate action taken on this recommendation when the Ministry of Social Services introduces the proposed amendment into *The Child and Family Services Act*.

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
09-14145 That the Minister of Social Services immediately introduce proposed amendments to *The Child and Family Services Act* requiring the Ministry of Social Services or service providers to inform any child upon admission to care of his or her entitlements under *The Child and Family Services Act*.	**Position:** Defer In addition to a review of *The Child and Family Services Act*, the ministry will be conducting a broader review of prevention, child welfare and adoption services designed to support children and families. The results of this review will Inform the development of new legislation, policies and programs to support children and families in Saskatchewan.	**Status:** Active The Ministry of Social Services has indicated that this recommendation has been deferred until it is considered as part of the planned review of *The Child and Family Services Act*. **Action required:** The Children's Advocate Office will consider adequate action taken on this recommendation when the Ministry of Social Services introduces the proposed amendment into *The Child and Family Services Act*.
09-14146 That the Minister of Social Services immediately introduce proposed amendments to *The Child and Family Services Act* requiring the Ministry of Social Services or service providers to inform any child upon admission to care of the existence and role of the Children's Advocate Office, and if requested, to provide without delay a means to privately contact and/or privately meet with representatives of the Children's Advocate Office.	**Position:** Defer In addition to a review of *The Child and Family Services Act*, the ministry will be conducting a broader review of prevention, child welfare and adoption services designed to support children and families. The results of this review will Inform the development of new legislation, policies and programs to support children and families in Saskatchewan.	**Status:** Active The Ministry of Social Services has indicated that this recommendation has been deferred until it is considered as part of the planned review of *The Child and Family Services Act*. **Action required:** The Children's Advocate Office will consider adequate action taken on this recommendation when the Ministry of Social Services introduces the proposed amendment into *The Child and Family Services Act*.
09-14147 That the Minister of Social Services immediately introduce amendments to *The Child and Family Services Act* creating a Residential Placement Review Panel, to which a child or other persons, who have demonstrated an informed concern for a child's well being, may make application for the review of a Ministry's placement decision.	**Position:** Defer In addition to a review of *The Child and Family Services Act*, the ministry will be conducting a broader review of prevention, child welfare and adoption services designed to support children and families. The results of this review will Inform the development of new legislation, policies and programs to support children and families in Saskatchewan.	**Status:** Active The Ministry of Social Services has indicated that this recommendation has been deferred until it is considered as part of the planned review of *The Child and Family Services Act*. **Action required:** The Children's Advocate Office will consider adequate action taken on this recommendation when the Ministry of Social Services introduces the proposed amendment into *The Child and Family Services Act*.
09-14148 The Minister of Social Services immediately introduce proposed amendments to *The Child and Family Services Act* stipulating that a child placed in foster care for more than 12 months cannot be removed from a foster home by the Ministry of Social Services without giving two weeks' notice to the foster parent and child, unless the child would be at imminent risk if allowed to remain in the home.	**Position:** Defer In addition to a review of *The Child and Family Services Act*, the ministry will be conducting a broader review of prevention, child welfare and adoption services designed to support children and families. The results of this review will Inform the development of new legislation, policies and programs to support children and families in Saskatchewan.	**Status:** Active The Ministry of Social Services has indicated that this recommendation has been deferred until it is considered as part of the planned review of *The Child and Family Services Act*. **Action required:** The Children's Advocate Office will consider adequate action taken on this recommendation when the Ministry of Social Services introduces the proposed amendment into *The Child and Family Services Act*.

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
09-14149 That the Minister of Social Services immediately introduce proposed amendments to *The Child and Family Services Act* stipulating that notice, legal representation and participant rights be given in proceedings (subject to prescribed limitations) to foster parents in cases where they have provided continuous care to a child for six months or longer.	**Position:** Defer In addition to a review of *The Child and Family Services Act*, the ministry will be conducting a broader review of prevention, child welfare and adoption services designed to support children and families. The results of this review will Inform the development of new legislation, policies and programs to support children and families in Saskatchewan.	**Status:** Active The Ministry of Social Services has indicated that this recommendation has been deferred until it is considered as part of the planned review of *The Child and Family Services Act*. **Action required:** The Children's Advocate Office will consider adequate action taken on this recommendation when the Ministry of Social Services introduces the proposed amendment into *The Child and Family Services Act*.
09-14150 That the Minister of Social Services immediately introduce proposed amendments to *The Child and Family Services Act* reducing the maximum time period of all voluntary and court-ordered cumulative temporary care to 12 months for children under six years of age, and to a maximum cumulative period of 24 months for children six years of age and over.	**Position:** Defer In addition to a review of *The Child and Family Services Act*, the ministry will be conducting a broader review of prevention, child welfare and adoption services designed to support children and families. The results of this review will Inform the development of new legislation, policies and programs to support children and families in Saskatchewan.	**Status:** Active The Ministry of Social Services has indicated that this recommendation has been deferred until it is considered as part of the planned review of *The Child and Family Services Act*. **Action required:** The Children's Advocate Office will consider adequate action taken on this recommendation when the Ministry of Social Services introduces the proposed amendment into *The Child and Family Services Act*.
09-14151 That the Minister of Social Services immediately introduce proposed amendments to *The Child and Family Services Act* creating a Child and Youth Victim Compensation Panel, to which a child or other persons, who have demonstrated an informed concern for a child's well-being, may make application to determine whether a child or youth in the care of the Ministry, who has been a victim of maltreatment or negligence causing physical, sexual, emotional and/or psychological harm, should be compensated.	**Position:** Defer In addition to a review of *The Child and Family Services Act*, the ministry will be conducting a broader review of prevention, child welfare and adoption services designed to support children and families. The results of this review will Inform the development of new legislation, policies and programs to support children and families in Saskatchewan.	**Status:** Active The Ministry of Social Services has indicated that this recommendation has been deferred until it is considered as part of the planned review of *The Child and Family Services Act*. **Action required:** The Children's Advocate Office will consider adequate action taken on this recommendation when the Ministry of Social Services introduces the proposed amendment into *The Child and Family Services Act*.

Further to the above recommendations, the Children's Advocate Office's investigation into foster home overcrowding in the Saskatoon Office Service Area affirms the following recommendations previously made to the Ministry of Social Services and Justice and the Attorney General:

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
06-10728(a) That the Minister of Social Services immediately introduce proposed amendments to *The Child and Family Services Act* codifying a list of guiding principles which can be used at all decision-making points under the legislation, with the most important principle being "the paramount purposes of the Act shall be to promote the best interests, protection, safety, and well-being of children."	**Position:** Defer In addition to a review of *The Child and Family Services Act*, the ministry will be conducting a broader review of prevention, child welfare and adoption services designed to support children and families. The results of this review will Inform the development of new legislation, policies and programs to support children and families in Saskatchewan.	**Status:** Active The Ministry of Social Services has indicated that this recommendation has been deferred until it is considered as part of the planned review of *The Child and Family Services Act*. **Action required:** The Children's Advocate Office will consider adequate action taken on this recommendation when the Ministry of Social Services introduces the proposed amendment into *The Child and Family Services Act*.
06-10728(b) That the Minister of Social Services immediately introduce proposed amendments to *The Child and Family Services Act* codifying a list of service delivery principles with the common objective of reinforcing the government's obligation to provide services in a respectful and culturally sensitive manner; that reflect the need for active participation and planning by Aboriginal communities in respect of Aboriginal families and children; and that optimize maximum participation and representation for both children and their families.	**Position:** Defer In addition to a review of *The Child and Family Services Act*, the ministry will be conducting a broader review of prevention, child welfare and adoption services designed to support children and families. The results of this review will Inform the development of new legislation, policies and programs to support children and families in Saskatchewan.	**Status:** Active The Ministry of Social Services has indicated that this recommendation has been deferred until it is considered as part of the planned review of *The Child and Family Services Act*. **Action required:** The Children's Advocate Office will consider adequate action taken on this recommendation when the Ministry of Social Services introduces the proposed amendment into *The Child and Family Services Act*.
06-10728(c) That the Minister of Social Services immediately introduce proposed amendments to The *Child and Family Services Act* codifying the rights and entitlements of children in the care of the Minister. This may be in the form of a Preamble, Declaration of Principles, or preferably, a new Part of the Act, ideally incorporating the principles set out in the United Nations *Convention on the Rights of the Child*.	**Position:** Defer In addition to a review of *The Child and Family Services Act*, the ministry will be conducting a broader review of prevention, child welfare and adoption services designed to support children and families. The results of this review will Inform the development of new legislation, policies and programs to support children and families in Saskatchewan.	**Status:** Active The Ministry of Social Services has indicated that this recommendation has been deferred until it is considered as part of the planned review of *The Child and Family Services Act*. **Action required:** The Children's Advocate Office will consider adequate action taken on this recommendation when the Ministry of Social Services introduces the proposed amendment into *The Child and Family Services Act*.

Recommendation	Ministry of Social Services Action Taken	Children's Advocate Office Analysis
06-10840 That the Minister of Social Services immediately introduce proposed amendments to *The Child and Family Services Act* enabling children to obtain full status as a party in child welfare proceedings.	**Position:** Defer In addition to a review of *The Child and Family Services Act,* the ministry will be conducting a broader review of prevention, child welfare and adoption services designed to support children and families. The results of this review will Inform the development of new legislation, policies and programs to support children and families in Saskatchewan.	**Status:** Active The Ministry of Social Services has indicated that this recommendation has been deferred until it is considered as part of the planned review of *The Child and Family Services Act.* **Action required:** The Children's Advocate Office will consider adequate action taken on this recommendation when the Ministry of Social Services introduces the proposed amendment into *The Child and Family Services Act.*
06-10841 That the Minister of Social Services immediately introduce proposed amendments to *The Child and Family Services Act* authorizing judges at all Court levels in Saskatchewan to appoint independent legal representation for children in child welfare proceedings.	**Position:** Defer In addition to a review of *The Child and Family Services Act,* the ministry will be conducting a broader review of prevention, child welfare and adoption services designed to support children and families. The results of this review will Inform the development of new legislation, policies and programs to support children and families in Saskatchewan.	**Status:** Active The Ministry of Social Services has indicated that this recommendation has been deferred until it is considered as part of the planned review of *The Child and Family Services Act.* **Action required:** The Children's Advocate Office will consider adequate action taken on this recommendation when the Ministry of Social Services introduces the proposed amendment into *The Child and Family Services Act.*
06-10842 That the Minister of Social Services immediately introduce proposed amendments to *The Child and Family Services Act* setting out prescribed criteria by which a Court will determine whether a child requires independent legal representation in child welfare proceedings.	**Position:** Defer In addition to a review of *The Child and Family Services Act,* the ministry will be conducting a broader review of prevention, child welfare and adoption services designed to support children and families. The results of this review will Inform the development of new legislation, policies and programs to support children and families in Saskatchewan.	**Status:** Active The Ministry of Social Services has indicated that this recommendation has been deferred until it is considered as part of the planned review of *The Child and Family Services Act.* **Action required:** The Children's Advocate Office will consider adequate action taken on this recommendation when the Ministry of Social Services introduces the proposed amendment into *The Child and Family Services Act.*
06-10844 That the Ministers of Social Services and Justice, in collaboration with relevant stakeholders, immediately develop, fund and implement a legal program, with sufficient training and administrative oversight, that would provide children with access to independent legal representation in child welfare proceedings.	**Position:** Defer In addition to a review of *The Child and Family Services Act,* the ministry will be conducting a broader review of prevention, child welfare and adoption services designed to support children and families. The results of this review will Inform the development of new legislation, policies and programs to support children and families in Saskatchewan.	**Status:** Active The Children's Advocate Office does not see how this recommendation is part of the planned review of *The Child and Family Services Act.* **Action Required**: The Children's Advocate Office will consider adequate action taken on this recommendation at such time as the Ministries of Social Services, and Justice and Attorney General provide evidence that such a fully funded and sustainable legal program has been developed and is being implemented.

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